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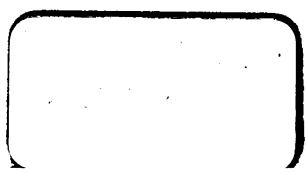
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ON THE
BRITISH COLONIZATION
OF
NEW ZEALAND.

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BY THE COMMITTEE  
OF THE  
**ABORIGINES' PROTECTION SOCIETY.**

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LONDON:  
PUBLISHED BY SMITH AND ELDER.

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1846.



1246.

LONDON:

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PRINTED BY WILLIAM WATTS, CROWN COURT, TEMPLE BAR.

TO THE  
MARQUIS OF NORMANBY, LORD JOHN RUSSELL,  
AND  
LORD STANLEY,

LATE PRINCIPAL SECRETARIES OF STATE FOR THE BRITISH COLONIES.

&c. &c.

THE Committee of the Aborigines' Protection Society has presumed to inscribe the following Essay with your united names, that it may have the satisfaction of offering a public testimony of its respect and admiration for those sentiments of justice and kindness towards the Aborigines of the British Colonies which have marked your Despatches and other official documents, in the discharge of your honourable and arduous duties as Colonial Ministers of the British Crown. These principles, were they carried out by all the subordinate officers in the British Colonies, and adopted as the rule of action by British subjects both at home and abroad, would put a stop to those evils which have dishonoured the name of England, and proved scarcely less injurious to the distant dependencies of the Empire, than fatal to the weaker branches of the human family, and distressing to many who have raised their voices against them.

The Committee would not conceal its desire, that, in taking this liberty with your names, it may secure for the following pages a larger amount of the attention and consideration of their countrymen than it could otherwise obtain for them.

Its object in producing this Essay has been to set forth a case which offers the strongest claim upon that active sympathy for which the English Nation is so justly distinguished; and to invite attention to a few practical points, which, with all due deference, it conceives to be essentially necessary to the success of any plan which may be devised for the introduction and maintenance of a better order of things.

The Committee desires, moreover, to remove misapprehension from the past, and to avert it for the future; and emphatically to assert, that the Aborigines' Protection Society is so far from being the enemy and opponent to colonization, that it regards it, when carried out in such a manner as to be exempt from the evils too often associated with it, as a means of procuring incalculable blessings for those who are engaged in it; and that the benefits which it is capable of conferring upon this empire in particular are so numerous and important as to entitle the successful Colonial Minister of Great Britain to the highest honours and the warmest gratitude which the nation can bestow.

## PREFACE.

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THE progress of British Colonization in New Zealand has claimed the anxious attention of the Aborigines' Protection Society, and its Committee was induced some months ago to direct the preparation of an Essay on the subject, by the circulation of which it hoped to remove some unfavourable impressions which it feared had been very generally received, and also to create an interest in favour of the adoption of those principles on which it is convinced that the colonization of that new and important dependency of the British Empire may be carried forward, to the common benefit of native New Zealanders and British Emigrants.

The following Extract from one of the Society's publications is given with a view to exhibit the feelings entertained by the Committee; and it is hoped, that it may serve to conciliate the unprejudiced attention of the reader whether at home or abroad.

"They (the Committee) are alike anxious neither to receive and propagate mis-statements, nor to shrink from their duty of espousing the cause of the Natives when the right is on their side. To the Government they give full credit for the desire to promote the impartial administration of justice, and the equal protection of all classes; and they recognise in the appointment of Captain Fitzroy a determination to adjust those matters which it is to be feared that his predecessor, and those who temporarily held the office after his decease, had not succeeded in bringing to a satisfactory state.

"As respects the (New Zealand) Company, the Society has

always recognised its desire to improve upon most of its colonizing predecessors in its treatment of the Natives of the soil; but whilst applauding the sentiments which it has avowed, and entertaining a personal esteem for many of its members, and seeking to maintain amicable relations with its Directors, who have allowed themselves to be recorded amongst the supporters of the Society, it has not professed its adhesion to all the acts of that body, so far as the Natives are concerned; and still less is it ready to approve of all the acts of its distant agents. From the recent emigrants, whom the offers of the Company or the Government have induced to transfer themselves, their families, and all that they possessed, to the most distant parts of the globe, in the hope of finding a peaceful home, where they could have free scope for their exertions—but who, whilst unable to obtain possession of the land which they thought they had purchased, have been compelled to sacrifice their property for the means of existence—it does not withhold that sympathy which must be the common feeling of all their countrymen who are aware of their misfortunes. But in pity for the Settler the Committee see no sanction for dispossessing the Native before the extinction of his title has been justly settled; nor for that irregular occupation of native land, commonly designated as ‘squattling,’ which it is understood is now becoming the practice of European emigrants to New Zealand.

“The case of the early settlers involves more complicated difficulties, originating not merely in the comparative antiquity of their titles, but also in the variety of the claims upon which their titles are assumed, as well as in the great diversity of personal character comprehended in this class; amongst whom are to be found the highly-professing Missionary, the honest and honourable trader, the runaway sailor, and the escaped convict.

“That difficulties, productive of serious evils to many worthy and unoffending persons, should arise from the necessarily protracted adjustment of the claims of this class, must obviously be the subject of regret more than of surprise; and it is to be hoped

that in the Councils of the Government, and in the zeal and prudence of its executive in the Colony, the means will be found to alleviate the pressure of circumstances which it is too late to prevent. With respect to the remaining class, whatever may have been the errors or mistakes into which, from various causes, the classes already mentioned may have fallen, it is just and obvious that from them the resulting evils should be, as far as possible, averted: and it is to this class, which consists of the native population, that the attention of your Society is legitimately applied." — See Seventh Annual Report, May 20th, 1844, pp. 24, 25.

*London, 13. 12. 1845.*



# BRITISH COLONIZATION

OF

## NEW ZEALAND.

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THE Aborigines' Protection Society has watched the progress of the systematic colonization of New Zealand with peculiar interest. The aboriginal population, comparatively a numerous people, although known to be fond of war, and reputed to be given to the vice of cannibalism more than the Natives of almost all other parts of the globe, were nevertheless recognised as possessing both mental and physical endowments, which placed them in the highest ranks amongst uncivilized nations. In fact, they were regarded rather as a semi-civilized, than as a strictly savage people. The cultivation of the ground, the construction of their houses and fortifications, and more especially of their large double canoes, capable of carrying 80 or 100 men, well rigged and furnished with large sails, in addition to numerous oars, evinced, if not the possession of civilization, at least a large capacity for it, seeing that these works require, not merely skilled labour and experienced judgment in individuals, but also a considerable amount of organized co-operation, and such an accumulation of means, as makes it evident that the rights of property were recognised and respected.

Attempts to introduce the blessings of Christianity amongst this people had been conducted for many years, on a large scale and at great cost, upwards of 15,000*l.* annually having been expended in this object by one Missionary Society alone; and the reports of the success attendant on these efforts sanctioned the continuance of the work. In the meantime the Islands were often visited by trading-vessels, and occasionally by those of the Government; and the accounts which they brought home were such as not merely represented the soil and climate of the country as very attractive, but for the most part exhibited the native population in a very favourable light.

What is the state of the country now, after five years of colonizing experience? The Natives are represented as bloodthirsty and brutal savages; and the Settlers as ruined and anxious to escape, but wanting the means of flight: a powerful company, uniting the talents and influence of some of the best and most experienced citizens of London, whose great resources seemed to command success, has been checked by difficulties of almost insurmountable magnitude. The Missionaries, in the midst of the depressing spectacle of the destruction of the fruit

of their past labours, must see their future prospects very much clouded. It is not only with Pagan Priests and superstitious practices that they have to contend; their fellow Christians are amongst their most powerful opponents: and though supported by the Government at home, as well as in the Colony, and protected by the Natives—even by those who are in arms against the Settlers,—they have an arduous struggle to maintain. To increase the difficulty, their efforts are paralyzed by the contentions of sects, which divide them among themselves. The Government, superior to all the other parties which have been mentioned, has been more or less censured by each; both for the measures which it has adopted, and also for the character of the individuals whom it has employed. Men, in their difficulties, are so wont to throw the blame on the powers above them, that these reproaches do not necessarily imply that either the measures or the men were essentially in fault.

Separate consideration is due to each of the parties just enumerated.

In speaking of the Natives, it will be necessary to go back to a time when they were the undisputed possessors of the Islands. This was the state of things, when, a British navigator having made known the existence of New Zealand, the whole country became, in accordance with the usages of European civilization, the property of England, provided she should choose to take advantage of her right to it. For many years this right, assumed on the ground of discovery, was permitted by Britain to remain in abeyance, although, from-time to time, a few British subjects, of various characters, settled, in a scattered manner, amongst the Natives, and became, to a certain degree, identified with them. It might easily be supposed that many of these individuals, being runaway convicts, would tend rather to vitiate than to elevate them. It does not, however, appear that their bad influence was exerted to a great extent; and it is not improbable that they facilitated the progressively-increasing intercourse which took place between the Natives and the vessels which resorted to the coast, and obtained from amongst the Natives important accessions to their crews, for the purpose both of navigation and of whaling enterprise. The same Settlers likewise commenced the possession and occupation of land, which they either received as portions with their native wives, or purchased for a very trifling price whilst the Natives had but little idea of its value, or of that of the articles which they received in exchange. With the exception of some rare and partial affrays, the latter were well pleased to have intercourse with the Europeans, whose arts and productions they desired.

As has been already hinted, so interesting a people did not escape the notice of Missionary Societies. Operations on a large scale were maintained by the Church Missionary Society; and a striking contrast was

exhibited between the conduct of the New Zealanders, and that of many uncivilized nations, whose conversion has been attempted. They shewed little reluctance to embrace the new faith which was offered to them, and extended it by native agency through parts of the Islands where no Europeans existed: and it has been asserted that the arts of reading and writing, which were simultaneously communicated, had become so general throughout the principal Island, that the proportion of the individuals possessing them was fully as large as in some civilized countries.

The time arrived when a part of the globe, so important by geographical position and so desirable on account of its soil, climate, natural productions, and native inhabitants, could no longer be neglected for the purpose of systematic colonization. Important steps towards such an enterprise had been taken by the individual acquisition of large tracts of country, by means of the transactions before alluded to. Not merely were many European residents gradually introduced into the Islands, but a British Consul was appointed. In fact, New Zealand was no longer to be regarded as a British property, in right of discovery, remaining unoccupied as valueless. It was to be erected into an independent state, and steps were taken, on the part of the British Government, to make the people comprehend the new political position in which they were placed, and to initiate them in the forms and usages appertaining to it, amongst which were the adoption and elevation of a national flag. It can scarcely be doubted, that, by means of extensive intercourse with Europeans, not only in New Zealand, but in long voyages, and in visits to British Colonies and to England itself, a tolerable idea of these transactions was formed by many of the Natives, and communicated by them to their countrymen.

The New-Zealand Company was formed. The rights, interests, and welfare of the Natives were prominently advocated by the Directors, amongst whom there were many individuals whose names were a sufficient guarantee that the enterprise in which they were engaged was honourable and benevolent. It will be seen in the Company's published documents that considerable tracts of land, which had passed from the Natives into the hands of Europeans, were purchased by the Company; but it was necessary to its operations that it should become possessed of a much larger extent of country. Colonel Wakefield, who conducted the first expedition, had, for this purpose, numerous conferences with the Natives. The New Zealanders had by this time acquired a considerable increase in their knowledge of the value of land: they had also become aware of the serious evils which they might experience from parting with it. They disputed amongst themselves the propriety of accepting Colonel Wakefield's offers; and declared that, whilst the gunpowder and the blankets, which they received in exchange, could be

blown away or worn out, the land would remain permanent and imperishable. It is not impossible that the fate of Chiefs, whom the sale of land had reduced from prosperity and independence to indigence and beggary, may have operated on the minds of some of the Chiefs who were indisposed to sell; but the anxiety to possess English productions, and more especially guns and ammunition, prevailed with the majority of the assembled Chiefs, and large sales were effected; and justice to the Company and its Agents requires that it should be stated, that the price they paid to the Natives, whether adequate in amount and unexceptionable in kind, or not, was, in some instances at least, a very considerable advance upon the rate of purchase in previous transactions. It appears, however, that from want of mutual understanding, which the difference of language was very likely to occasion, the validity of alienation with respect to particular spots, and especially such as were in actual native occupation, became the subject of serious subsequent difficulty. The Natives were generally treated with kindness, and their claims respected; and, in return, they are acknowledged to have behaved remarkably well, treating the Settlers with honesty and cordiality; supplying the provisions, without which they must have nearly perished from starvation; and erecting almost all the buildings for the first Colonists. In short, in the supply of provisions for the market, and of labour for wages, there were, by the statement of the Settlers themselves, the best grounds for expecting that the Natives would constitute most useful members of the community, acting in harmonious concert with the Emigrants. Whilst the latter were still few in number the conviction of the White Man's superiority was sufficient to induce the Native to yield, even when he was in the right. It is very important to keep this fact in recollection, since its operation on the minds, behaviour, and conduct of individuals of the two races, in an infinity of little transactions trivial in themselves, must have gradually conduced to effect the change which has been brought about during the five years of British occupation.

The progressive influx of British Settlers rendering it desirable to afford them British protection and British law in a legitimate form, and the apprehension that other civilized nations would compete with England in the colonization of the Islands, made it essential to restore the claim of Britain, which had been abandoned by the act which recognised the independent sovereignty of the Native Chiefs. The Treaty of Waitangi was therefore devised, in order to replace England in her former position. This treaty has been characterized as a legal fiction; and of late it has been strongly condemned, both by those who would trample on the native rights, and by those who would scrupulously observe them. It ought, however, to be estimated at its true value and import, viz. as the means of effecting two indispensable objects. The

first of these objects was the restoration of England to her original position in respect to other Civilized Powers. This was necessary, to avert very serious collisions which were threatened. No Foreign Power was injured; and it should really be a source of satisfaction, that the risk of future misunderstanding from this quarter was thus effectually and skillfully averted. The other object was, the recognition of British authority on the part of the Native Chiefs.

Whilst the great importance and practical value of this step seems never to have been seen, or to have been wholly lost sight of as soon as it was taken, the treaty has been regarded as a means for an end expressly disclaimed, and for the attainment of which it is most manifestly impotent, viz. that of the acquisition of the Natives' land. The treaty was, however, admirably adapted to its legitimate purpose of obtaining the *bona fide* recognition of British authority on the part of the Native Chiefs. A large number of those most familiar with British intercourse, and most favourably affected towards British subjects, were gained over to the adoption of the measure. Their cautious apprehensions of personal sacrifice were set at rest by the most explicit and solemn assurances that their property and rights would be protected. The influence of these concurring Chiefs, and that of the Missionaries, which, if not equal, was only second to theirs, were to be immediately employed to gain the prompt adhesion of those Chiefs who had not been a party to the treaty. It is scarcely possible to imagine a more legitimate beginning. It can scarcely be called a step, as it was rather a starting-point. In proportion as the Natives were competent to understand the true meaning of the treaty, may they feel disappointed, both at what it has not done, and at that which it has been contemplated to effect by it. They have not found that, by the recognition of British authority, they have come under the influence of a gentle, controlling, and ameliorating administration, assimilating them in all respects to the White Man, as it is probable that some, at least, had hoped and expected. They must have been sensible, that, so far from this having been the case, they have been very much left to themselves. They might go to war with each other, and in every respect proceed as formerly, if they suffered wrong at the hands of their native neighbours. There was nothing in our administration of justice to commend itself to their favour.* If they were the injured party, or if they committed a trespass against the White Man, or were suspected of having done so, the complicated and unintelligible forms of our legal processes have not been calculated to gain their respect and favour, either by promptitude, or by the wisdom and justice of their results: they may indeed have appeared

* This, however, was not always the case. E. Halswell took especial pains to make the Natives comprehend the nature of our legal proceedings, and to feel the validity of our justice and protection when they applied for them.

inferior in all respects to their own more summary, though cautious, judicial trials. Moreover, British Law has been principally felt by the Natives as affecting those rights of property which they had been solemnly assured were to remain undisturbed. They have been prevented from selling that which they wished to part with, and have seen the attempt at least to alienate that which they meant to keep; whilst rumour has reached them that a large portion of their land was to be taken from them.

It ought surely to excite no surprise, if, in such a state of affairs, some of the Chiefs withhold their concurrence from the Treaty of Waitangi, or, having acceded to it, should follow the example of the Whites, and seek a pretext for breaking it. In short, at the present time the temptations to a counter-revolution must, to the very-imperfectly informed New Zealanders, be neither few nor weak: and it is more than probable, that, mistaken and erring and self-destructive as he is, John Heki may be considered by many, in other countries, as the Abd-el-Kader of New Zealand. At the period of the conclusion of the Treaty of Waitangi the New-Zealanders were like the softened wax ready to receive a perfect impression, but of which, it is to be feared, they will become less susceptible, unless the plastic state can be adroitly restored.

From the consideration of the state of the Natives we may now turn to that of the Company. Much must be conceded in favour of this party, including, as it does, men of high standing in society,—not merely possessed of wealth, but whose honour, justice, humanity, and religious character gave the guarantee that nothing wrong in principle, or reprehensible in practice, would obtain their conscious sanction. The concurrent benefit of Natives and Colonists was proclaimed as the avowed object; the state of the Natives was considered; many of their peculiarities were described; their comparative superiority in knowledge was recognised; and many provisions were expressly made, not merely to preserve them from extinction, but to secure for a portion of them a high standing in the Colony, as respects both property and influence. It should be borne in mind, that, at the period when the Company was formed, New Zealand was not included in the British dominions: the Company was therefore justified in treating with the Natives; and was left to put its own construction upon the character and extent of their rights. At that time it most distinctly recognised the right to the land as vested in the Natives, and contemplated and sanctioned purchases made from them. Had the Natives been previously in total ignorance of property in land, and of the transfer of this right, the acts of the Company and their Agent would have been sufficient to inform them on these subjects, and to inspire them with the wish to retain the possession of their claim. The importance of this fact is great, in relation to the subsequent views and

proceedings of the Company. It must also be remembered that the Company was reducing to practice a new and attractive, but imperfectly proved, theory of colonization, which, whether sound or not, opens the door for the entrance of some very serious difficulties. Opposition was raised to the colonization of New Zealand, not only on the part of the Government, but also by the Church Missionary Society, and other persons, who dreaded that the influx of Europeans would check the progress of improvement already advancing amongst the Natives, if not wholly destroy the good which had been effected, and overwhelm the Natives in the common fate which has overtaken so many of the uncivilized races. This difficulty being overcome, many were anxious to engage in the enterprise, which was consequently undertaken with eager precipitation. An Agent was sent out, accompanied by a suitable staff, for the selection, purchase, and allotment of the land. Plans of the designed territory were exhibited, on which the proposed allotments were marked out, and the purchasers in this country were at liberty to make their own selection, subject to a ballot, resorted to for determining the order of choice. Whilst the Agents were still on their voyage, transports, freighted with emigrants, were already on their way. It was impossible that the Agent, being so little in advance of the Colonists, could make the purchases of land, and the individual allotments; much less that he could provide residences for the accommodation, and crops for the subsistence of the Settlers, whose preservation became dependent on the friendly Natives, who were both able and willing to furnish dwellings and food. Here, then, was a grand practical mistake in the outset. We next observe an error in the theory which prevented it from being carried into practice. It was pre-arranged, that, on the lands being obtained from the Natives, it was to be parcelled out into town and country allotments, the appropriation of which, as before stated, was to be determined by lot and choice; and a certain proportion of these allotments determined by lot and choice, like the rest, were set apart for the Natives; and these allotments within the settled territory were regarded as the real compensation made to the Natives for the surrender of their land, rather than the articles given to them as the ostensible price. The plan of appropriation might be unexceptionable for the British purchasers and Settlers, to whom the whole country was new; but it was of very questionable application to the Natives, who were already in occupation of spots of their own selection, and who appeared not to have understood their treaty of sale to have extended to the occupied, but merely to the unoccupied, parts of the country. They did not understand the advantage of having the site of their dwellings and provision-grounds chosen by others in New-Zealand House, rather than by themselves in New Zealand. They were much wiser and more cautious than the daughters of

Æthra, who, by the devices of Medea, were induced to cut up their superannuated father, in the hope of receiving him again in renovated youth.

Two incidental circumstances must here be noticed in reference to the carrying out of the laudable principle of native reserves. 1st, The proportion of these reserves was distinctly spoken of as a *tenth*. It was afterwards called a portion equal to a tenth, to imply that there are *ten* equal allotments for the Settlers, and one similar portion for the Natives; which, in concise and intelligible English, means that the native reserves are only an eleventh: but why the equivocal periphrasis of a part equal to a tenth was employed is a point of New-Zealand arithmetic which has not been explained. 2dly, It appears that in some instances the native allotments included, or might have included, a desirable water frontage, the prospective value of which must be sufficiently obvious. Some of these native allotments it has been found expedient to exchange against mountain tracts, which, the Parliamentary Committee were informed, are equally valuable to the Natives. Certain charges were also levied upon the native reserves, for the purpose of obtaining for them advantages, which have not yet been made apparent. The carrying out of the reserve system has been so materially affected by the transactions between the Company and the Government, that its present validity and effect cannot be stated.

The wholesale acquisition of large tracts of country, definable by certain parallels of longitude and latitude, or even indicated by great but distant land-marks, would doubtless have considerably facilitated the operations of the Company, and been an important saving of trouble, expense, and time. But the tenure and occupation of the country rendered dealings with a few principal Chiefs only quite inadequate to complete its entire surrender. It is very necessary to bear in mind, that, if the British Government could with propriety have refrained from taking any part in the affairs of New Zealand, the transactions of the Company with the Natives for the acquisition of land must sooner or later have produced dispute and difficulty. Some of the evils of the collision might possibly have been prevented, by the Natives more readily yielding their rights, in the absence of a third party to sustain them; whilst the Company, on its part, might have contrived to make the additional payment, where absolutely necessary, without losing its importance by seeming to submit to an award. But when the utmost concession is made in favour of the Company, it must be thoroughly obvious that numerous difficulties must have retarded their giving the possession of their purchased allotments to the large body of Emigrants whom they landed on the shores of New Zealand. The fact is, that some of the land claimed—for instance the memorable valley of the Wairau—was never sold by the Natives; nay, it was expressly retained

for their own use. The propriety of the Government having stepped in to assume authority in New Zealand is founded on reasons independent of the question now under consideration, and which may be passed over, the point being, at least hypothetically, conceded. But the step being taken, the Government of necessity became the arbiter between contending parties, of whatever colour they might be, and, consequently, between the Company and the Natives. Legal formalities and lingering processes were the inconvenient, but unavoidable consequence. Before very severe censure can be bestowed on any of the parties concerned, it will be necessary to make a due estimate of the difficulty and perplexity inevitably connected with innumerable suits—some of them interfering with each other—pending at the same time; whilst the plaintiffs and defendants, the witnesses and the judges, imperfectly understanding one another through difference of language, and necessarily inexperienced in such proceedings, were at the same time under the influence of a high degree of excitement, produced by a variety of causes. It must also be duly considered, that the Whites, whether connected with the Company, the Government, or the suffering Emigrants, were able to understand the object for which the Colonization of New Zealand was designed, and the interests which were at stake as it proceeded; whilst on all these points the Natives were in the dark, both as regards present facts and past experience, except as a trip to New Holland appears to have given to a few individuals a practical acquaintance with the fate of the Aborigines, and the consequences of the occupation of their land.

It seemed needful to bring into view these several points before coming to the important land question which has become the subject of public discussion.

When the Treaty of Waitangi had professedly placed the sovereignty of the islands under the British Crown, it was judged expedient that the Company, like other Colonists, should hold its land from the Crown, rather than in right of purchase from the Natives; and it appears that the legitimate inference to be drawn from the stipulations of the Colonial Office, whether made by Lord John Russell or by Lord Stanley, is, that the Company were to be put in *bona fide* possession of a certain extent of country, represented by the Company to have been fairly purchased from the Natives, and by the Government assumed to be so; and it is only since disputes regarding the validity of a portion of these purchases have reduced the extent of country of which the Company can enjoy available possession, that the Government has been called upon to make over unpurchased land to the Company, and thereby violate the terms of the Treaty of Waitangi, after they have been explicitly stated and perfectly understood. The Company's own experience at its first Settlement at Wellington, occupying a space of time in part antecedent and in

part subsequent to the Treaty of Waitangi, and during which the Natives have been both in a friendly and in a jealous state, sufficiently proves the difficulty of acquiring that immediate occupation, the delay of which has been a ground of complaint on the part of the Company. What has been the experience of the Company at its Settlement at Nelson?—a spot selected with the greatest care, and with a very friendly disposition towards the Natives, in a part of the country which seemed to be almost uninhabited, and where the first Settlers expected that their native neighbours would be both few and distant, and were animated by sentiments which seemed to afford assurance that no hostility was likely to arise. It is an experiment of the Company's own trying—touching the practicability of taking possession of unoccupied land. The Company's own proceedings exhibit a very serious dilemma; and the tragical affair at Wairau has shewn that neither horn can be encountered with impunity. If unoccupied land is seized as waste, possession must be gained by conquest, and maintained by force. If the Treaty of Waitangi is appealed to, its terms must be faithfully and literally observed. There is no talismanic influence in the assumption of British sovereignty to set aside the difficulties inherent in the present state of things.

The transactions of the Company, to be understood, must be looked at from another point of view. There is no wish to do it the slightest injustice, or to represent it as gratuitously pressing unrighteous or unreasonable demands. The faults, if they be such, which it has committed, are for the most part those of accident and mistake, rather than of design; and the most serious are probably to be attributed to individuals rather than to the body. The interests of thousands of British subjects, at home or abroad, are involved in the results of the Company's proceedings; and a very serious check and injury will be inflicted on one of the most legitimate and most important means of sustaining and increasing the national prosperity, namely, by sound British colonization, if a powerful and wealthy body like the New-Zealand Company should be broken up, and involve, as it must do, many innocent persons in its ruins. Many of its expenses and liabilities have been incurred with the sanction of the Government; and duty as well as interest requires that the Company be relieved. The only question seems to be as to the mode. When a party to whom we may be bound by interest and affection asks us to assist in relieving him from misfortune, it is neither just nor expedient to be blind to his errors, or to commit others for the purpose of extricating him.

We next proceed to the consideration of the Missionaries and their labours, by which an important change has been wrought in the character and condition of a large portion of the native population. These labours

have been chiefly conducted, for about a quarter of a century, by one of the most prominent of the Protestant Missionary Associations, viz. the Church Missionary Society. Some idea of the lively interest which has been taken in this field of labour, and of the importance which has been attached to it by the Managers of the Society in this country, may be formed from the large sums which they have devoted to it. As before mentioned, 15,000*l.* a year is probably below the average. Some of the results of these labours have already been noticed in speaking of the Natives. There is probably no body of Heathen amongst whom a greater and more rapid change could have been effected. The revolting but prevalent practice of cannibalism has been either wholly abolished, or reduced to a few scattered instances, in which it is performed in secret. Intestine wars have consequently been rendered less frequent and less atrocious; a large proportion of the Natives have been led to profess Christianity; a Native Agency has been brought into extensive operation; Public Worship is punctually attended, and perfect decorum is observed in the conduct of the congregations.

No inconsiderable amount of successful Missionary exertion has been the work of the Wesleyan Missionaries; and one instance, which has signally marked their success, is well worthy of being noticed. In the lamentable affair at Wairau, a converted Chief interposed, with his Testament in his hand, and appealed to his White fellow-Christians for the preservation of peace; and it is said, that, when the fighting had commenced and the bullets were flying, he did not shrink from renewing his truly Christian efforts.

It would be needless here to say more respecting the Missionaries, were there not some points in which their operations are necessarily connected with the civil affairs of New Zealand. The operations of the Church Missionary Society having been conducted on the largest scale and for the longest period, and its acts having had much more of a public character than those of any other Society, they necessarily claim the chief attention; and it may be expedient to limit our observations to them, in order to avoid even the appearance of bringing them into contrast with those of any other Society.

It will doubtless be remembered, that, when the systematic colonization of New Zealand was in contemplation, the Directors of the Church Missionary Society in this country, through their Secretary, remonstrated against the undertaking, on the ground of the great injury which would probably be done to a numerous and increasing Christian Native Population. Past colonizing experience was appealed to in support of this plea, which other Missionaries, as well as the Aborigines' Protection Society, concurred in urging. When, however, the measure was decidedly determined on, fruitless opposition was not vexatiously continued;

and it can scarcely be doubted that the influence acquired by the Missionaries indirectly, if not directly, facilitated the arrangements regarding the acquisition of land, as it unquestionably did the transactions of the Government, first for declaring the independence, and subsequently for effecting the annexation of the country. It is the more necessary to insist on this fact, as Missionary opposition has, in different quarters, been urged as a cause of difficulty in the conclusion of arrangements with the Natives. As such a statement must tend both to produce an unfavourable impression on the public mind, and also to impede the satisfactory arrangement of present difficulties, it will be well to offer what appears to be an impartial view of the case.

It will not be disputed that the lengthened intercourse between the Missionaries and the Natives, the moral principles which the former professed and inculcated, and the deference and respect which were yielded by the latter, tended indirectly to assist the purchasers of land, by inspiring hope and confidence in the White Man. The very large purchases which had been made—not, it is true, by the Missionary Society, but by individuals who were in some way connected with it—had, in degree, accustomed the Natives to such transactions. Any participation of this kind would materially augment the anxiety which interest in the welfare of the Natives, and in the honour and credit of their country, would necessarily create in the minds of the Missionaries, that, in carrying out these stipulations, no injustice should be committed. It became, therefore, an incumbent duty on the part of the Missionaries to apprise the Natives whenever it appeared that their rights were in danger; and it is by no means improbable that such warning and advice in the subsequent steps, though conscientiously given, may have been a cause of difficulty and delay, amidst the host of disputed claims requiring settlement. To have neglected this duty would have given the Natives cause to suspect that the Missionaries had a common interest with the purchasers of land, and suggested doubts of the sincerity of their professions.

There are two or three points connected with the Missionaries' labours amongst the Natives which may be justly made the subject of regret. Yet they are mentioned here, not for the purpose of bestowing censure, but in the hope that they may be removed. The first to be mentioned is the omission to introduce a knowledge of the English language. The study of the Native language, its reduction to a written form, and the translation of considerable portions of Scripture into it, are services neither small nor unimportant; but they are far from superseding the necessity of a good acquaintance with the English language. The neglect of this has not been an accidental omission, which time and attention would be likely to remedy. It has been the result of principle, founded on the apprehension that a knowledge of English would tend to

facilitate the contaminating intercourse with profligate White Men. But it is a fatal mistake to suppose that the English language is the forbidden tree of knowledge to the uncivilized Pagan recently converted to Christianity. This is so far from being the case, that whilst every species of contaminating influence, and the most unbridled licentiousness which intercourse with profligate Whites can occasion, may be introduced with no other medium of communication than the signs and broken words which the two parties promptly acquire without the aid of a teacher, one of the most powerful antidotes which could be supplied would be found in the boundless stock of knowledge, and the abundant resources, both for pleasure and profit, which a knowledge of English, as an oral and written language, would immediately throw open to the Native. This knowledge is absolutely essential to place him more nearly on a par with those with whom he necessarily comes into competition as soon as the colonization of his country is commenced.

It is truly gratifying to be able to state, that, in one Missionary Establishment at least, the defect is now in process of removal.

Another omission, which has followed as a consequence of the former, is, that no Natives have been so educated as to be placed on a par in their intercourse with the middle classes in civilized society, and to be fitted for official stations in their own country, in its progress towards that state to which, when its inhabitants are converted, it ought to attain, as one of the colonial dependencies of Britain.

Nearly twenty years of Missionary influence amongst such a people as the New Zealanders could not have failed to have produced several individuals so instructed, had the object received attention commensurate with its importance.

The only remaining point which need be mentioned, is, the jealousy which has arisen from divisions of sects. It is impossible to estimate the extent to which such schisms may shake the faith of the newly-converted, and deter those who have not yet embraced Christianity.

The New-Zealand Settlers, as a body, next claim our attention. Their painful position has not been lost sight of by the friends of the Aborigines. But whilst a strong bias in their favour is given by the ties of country, by commiseration for cruel disappointment and suffering, and by a lively interest in the success of their enterprise—which not only in itself, but much more in its influence on many other colonizing undertakings, has a most important bearing on the colonial interests of Great Britain—it would be wrong to allow this feeling to operate in the consideration of those points in which the Natives have been wronged by the Settlers, or are liable to be so.

In entering on this subject a gratifying opportunity is offered, which

is gladly embraced, of giving the praise and credit which are due to many of the Settlers, for opinions, sentiments, and conduct towards the Natives, which are of the highest order, and which surpass any thing which can be exhibited by the friends of the Aborigines in this country, inasmuch as they are maintained in opposition to all the counteracting influences which the presence of the native race, under existing circumstances, is calculated to produce. May conscious rectitude, as well as the approbation and best wishes of their countrymen, suffice to prevent these excellent persons from participating in a certain sensitiveness and *esprit de corps* which, in New Zealand, as well as in other Colonies, is apt to misinterpret the mention of any partial or temporary misconduct as a general calumny cast upon the Settlers as a body.

Amongst the great variety of characters unavoidably included in a large body of persons, brought together as the Colonists of New Zealand have been, there must be some of a degraded, profligate, or unruly description; and, from the position which such individuals will naturally take in society, they will be the most likely to come into collision with the Natives, both as assailants and assailed: nor can it be regarded as surprising or unreasonable that magistrates, in dealing with cases growing out of such collisions, should treat the Settlers as old offenders, and shew to the Natives that forbearance which is not only wont to be exhibited towards young delinquents, but which is especially due to those to whom the law itself is a novelty. It seems necessary to notice this apparent partiality, which has been occasionally animadverted upon by Colonists; but it may be hoped that occurrences of the kind referred to have been by no means frequent. There are other descriptions of collisions in which the blame may more exclusively belong to the Natives, and in which the Settlers may be innocent sufferers. It is in some of these that prudence may call for a degree of forbearance which may be unpleasant to the sufferer, and in which allowances must be made for the Natives, which, both in England and in the Colony, appear to be but little understood. Of this description are some of the instances of violence which have been committed in consequence of acts which the Native has regarded as trespasses on tabooed spots. It is not contended that these superstitions are to be maintained; but at the same time that effectual methods should be adopted to put them down, their influence on conduct, whilst they do exist, must not be disregarded. Besides that allowance which the magistrates appear to have made for the Natives, on the ground that they could not arrive at an intuitive knowledge of British Law, or understand or conform to it as soon as it is promulgated, it must also be considered, that however inferior in intelligence and information the Natives may be, they are too quick of comprehension not readily to perceive, and keenly to feel, that in the presence of an increasing British

population their decline and degradation are even greater in comparison than they may be in reality; and this feeling must operate the most strongly on those who, as Chiefs, had enjoyed influence and felt the fascination of power. It can easily be understood that such individuals may be disposed to exert their remaining authority for the preservation of their shaken prerogative. A little regard to this feeling is as much required by prudence as it is due to the individuals. Prudence would dictate such a demeanour towards the Chiefs as should alleviate the pain of their transition, and such a treatment of the lower classes, as, by securing to them the enjoyment of the fruits of requited labour, the advantages of honest traffic, and perfect personal protection, should bind them by interest to disregard all excitement to revolt. The *aristocratic or oligarchical* character of original New-Zealand society is obviously favourable to the operation of this policy on the part of the British; but it must be completely defeated if the Settlers individually allow themselves to manifest a repulsion and contempt for the Natives, which, even in the absence of any criminal aggression, may be sufficient to create a general aversion, and drive them to make common cause with the Chiefs.

As far as the more or less circumstantial and authentic details of facts which have been related in this country can lead to the formation of a judgment regarding occurrences in so distant a part of the world, and of so peculiar a nature as those which have taken place in New Zealand, some serious mistakes, more calculated to excite regret than surprise, have been committed by the Emigrants.

Too great reliance has been placed on the readiness with which the Natives yield to a display of force when made by Europeans. This submission may, in part, depend on consciousness of inferiority on the side of the Natives; but it seems to be equally true, that it in part depends upon a kind of constitutional forbearance, which operates up to a certain point. When this point is past, there follows a manifestation of force which is unexpected, and is associated with a great degree of firmness and endurance. There is something in this which is favourable to the prevention of collision, but it renders it the more serious when it actually occurs. A dangerous reliance being placed on the yielding disposition of the Natives, temerity becomes associated with weakness; and if the provocation, whether accidentally or intentionally offered, be sufficient to excite resistance, the inevitable result is such as to give the Natives a new confidence in their own strength, which is likely to be as much exaggerated as their idea of the superiority of the Settlers has previously been.

Another mistake, or, at least, that which, to a distant contemplator, appears to be such, has been, that when occurrences of the kind alluded to

have taken place, and an opportunity has been afforded to the Natives to shew their strength, a sort of panic has ensued, in which the Settlers seem for a time to have lost the power of judging of the transaction, and of devising the measures which prudence requires in the emergency. The lamentable affair at Wairau illustrates these remarks in both respects. The Settlers and the Company's Agents probably thought that they had a right to the land which they proceeded to survey; but they do not appear to have reflected, that, if the Natives were to have the coercion of British Law, they were likewise entitled to its protection; and that when the Chief had thrown his cause into the properly-constituted Court, the decision, however lingering the process, must be waited for: so at least they would find it necessary to do in every civilized country. But the Settlers had to do with the Natives, and their yielding character inspired the fatal confidence that they might be proceeded with in a different way. Remonstrance being vain, the Natives exhibited the most temperate and determined opposition, by pulling up the stakes and destroying the grass huts, but scrupulously respecting every particle of European property. There was no retaliation here, but merely a firm determination to await the judgment of the Court. The charge of arson, made against the Chief as a ground for apprehension, because he had burnt a hut constructed of grass growing on the disputed territory, and regarded by him as his own property, was futile and absurd; and had it been otherwise, it must have been wholly incomprehensible to the Natives, in whose minds it could not be separated from the land dispute, although the Settlers affected to make it distinct. Again, had the attempted apprehension of the Chief been just and politic, it appears to have been irregularly and improperly undertaken. The complaining parties became the officers in their own cause, acting upon a warrant issued by a magistrate whose jurisdiction the Chief did not recognise; whilst the warrant, if legally issued, was to be carried into effect in a district in which it was at least of doubtful validity. The Chief, had he been acquainted with English Law, would have had a fair plea for doubting and resisting the authority: but he was a savage; and it was expected that he would immediately comprehend that the officer was invested with the authority of the Queen of England, and claimed the respect due to her, and that his loyalty would consequently yield ready submission. But he was more than a savage; conspicuous among savages for his cruelties; confident in the power which his repeated victories had acquired; and the object of submission and awe to other Chiefs. Therefore he might not so readily acquiesce in the idea of appearing as a handcuffed felon before his warriors, his vassals, and his women; and, with the means of resistance in his power, he might hesitate to commit himself to his unscrupulous opponents. A manifestation of force was therefore to be made, to render

the warrant effectual. If the parties who armed themselves for this purpose really believed that there was no probability of using the arms with which they were provided, it is only a proof of their overweening confidence in their superiority in the eyes of the Natives. To the Natives, at least, they must have seemed to have been taken up in earnest. If the haughty and ferocious savage did not immediately quail at the appearance of European arms, was it not to be supposed that he would yield to the impulse to repel force by force? Yet no such accusation can be made against him. He remonstrated with his opponents, and warned them that they were bringing on a serious affair. Even savage as he was, he took the side of peace, whilst his converted countryman preached peace in vain to his White brethren in Christian faith. Notwithstanding the strange and improbable story, which, on the authority of a single individual, represents the first shot to have been fired by a Native, it is generally believed, as originally asserted, that the fire was commenced by the English, by a shot which was said to have been accidental. How could the Natives, at such a time of excitement, distinguish an accidental from an intentional shot? The firing then became general on both sides; and although it is evident that the Natives were not expecting an engagement at that time, since they had their women and children with them, they proved more than a match for their opponents. Did the flush of victory, or the desire of revenge lead them to attempt a general massacre of the Whites? Quite the reverse. It seems that they suspended fighting immediately that the defeated party intimated the wish to do so; and so little of the character of the savage was shewn on the occasion, that one of the fugitives who had escaped, the unfortunate Cotterell, returned to the parley; and there does not seem to be the smallest reason to doubt that the prisoners would have been perfectly safe in the custody of the ferocious Rauparaha himself, had not his son-in-law come up in the heat of passion, and, in accordance with the usages of his country, demanded and taken their lives, whilst Rauparaha was restrained, by a point of honour among the New Zealanders, from preventing it. Grievous and deplorable as was this destruction of European life, in which some of the most amiable and respectable of the English party were cut off, it is very doubtful whether even the killing of the prisoners can be regarded in any other character than that of manslaughter, committed probably by one individual.

The censures bestowed upon Captain Fitzroy, in relation to his conference with Rauparaha, and the sentiments expressed in the petitions of the people of Nelson, evince the same mistaken judgment and erroneous course of proceeding which were exhibited on other occasions connected with this same affair.

But the conduct of the Settlers which the most strongly calls for

dissent and regret is the display of feeling which succeeded to this affray. The original attack on the Natives may be regarded as the hasty, mistaken, ill-advised, and rash act of a few individuals, many of whom cruelly suffered for their folly. But the course which followed was the not less mistaken, but more deliberate act of a much larger number. They seemed wholly to lose sight of the fact that the English had been the aggressors. They spoke and acted on the occasion as if the Natives had been guilty of an unprovoked, savage, and murderous attack upon a quiet, inoffensive body of Settlers. Whereas, with the exception of the sacrifice of the prisoners, whose fate has been explained, and who had really made the exposure of their own lives by participating in the first attack, the Natives appear to have strictly limited themselves to an act of defence. They did not follow up their success with any measure of retaliation, but, laying aside their savage customs usual on such occasions, they left the dead to receive funeral rites at the hands of their friends, and retired to their pah, not to prepare for the expulsion of the Whites, which they were likely enough to think practicable and desirable, but quietly to await any further attack on the part of the Settlers, which they conjectured that the events of the former collision might produce. It appears that, instead of exultation, deep regret possessed their minds; and that, although loyalty to their ancient Chief led them to profess that they would adhere to and fall with him if he were attacked, they shewed so little animosity on the occasion, that the nephew of Captain Wakefield, the leader of the late attack, and one of those who had fallen, was soon afterwards received an almost solitary visitor in the pah. The Settlers, in the meantime, were rising in mass, making the most hostile speeches regarding the Natives, and following them up by every warlike demonstration — drilling, exercising, constructing batteries, and practising themselves in the working of their cannon. This excitement was happily calmed, and the irregular military preparations were very properly disapproved of by the Government.

These transactions are not here related from any unkind feeling towards the Settlers; but in reviewing past occurrences, and in contemplating the possibility of future difficulties, and the steps which may be required to meet them, it would be a culpable omission to take no notice of the fact, that hostile feelings, on the part of the Settlers towards the Natives, have thus been readily excited and called into action. The diffusion of this feeling has already produced a very injurious effect in the contemplation of war without the means of waging it. Fears and apprehensions have been felt and manifested to an extent which can scarcely have escaped the notice of the Natives, with whom it is not unlikely to operate as an invitation to those very acts which are most to be deprecated.

The advocates of the practical policy of peace principles may well

complain that the experiment by which they are put to the test cannot be fairly tried in such a manner.

The Government is the only other party which remains to be considered ; and here the greatest reserve, caution, and delicacy are due.

In reviewing the acts of Government, it is always necessary to bear in mind, that events are known in the highest quarters of which the public may be ignorant, and that circumstances apparently irrelevant may, in some way or other, complicate an affair, and introduce motives of which the people generally may not be aware, or of which they may form but a very imperfect idea. Again, as, in this country, the administration of affairs may pass from parties holding a particular set of opinions into the hands of their opponents, various difficulties may interfere with the carrying out of measures once devised, as well as with the selection of the individuals to whom the execution may be entrusted. The difficulty last alluded to is, however, on the present occasion, almost without existence.

To party politics the Aborigines' Protection Society is a stranger ; or rather, it has only to consider them in their very indirect bearings upon that feeble class of mankind whose interests it has espoused. Moreover, change of administration has happily made no change in the feelings and views adopted in the Colonial Office in relation to the Natives of New Zealand ; and the just and generous sentiments expressed by the different Secretaries of State for the Colonial Department are so coincident, that they might have been conceived by one head, penned by one hand, or spoken by the same mouth, and cannot have failed to receive the merited approbation of the friends of humanity in general.

In speaking of the other parties concerned in New-Zealand affairs, the several changes which have taken place in the political state of those islands, in relation to the civilized world, have been sufficiently pointed out. First, they became, by discovery, an accidental and neglected appendage to the British dominions ; then they were erected into an independent nation ; then they were designedly reclaimed as a British Colony ; and the submission and allegiance of the Native Chiefs to a great, but still imperfect extent, was obtained by the formality of a Treaty.

The confessedly great difficulty, but, as the Aborigines' Protection Society maintains, not the insurmountable difficulty, of simultaneously governing two races widely different in intelligence, civilization, and customs, as well as in language, and in many other respects, had to be seriously and practically contended with. Great as are the obstacles inherent in such a task, they have been immeasurably increased by the various characters of the Colonists, and by the strong and rival interests which have sprung up in connection with the colony. The injuriously

premature influx of Settlers contributed still farther to encumber the already difficult movements indispensable for the preservation of good order and the promotion of prosperity. Justice requires that due consideration be paid to these difficulties, in contemplating transactions which have taken place in the Colony, in which the Local Government appears to have failed in carrying out the expressed wishes of the Colonial Office.

The accidental circumstance, that New Zealand was regarded as a distant dependant on the Colony of New South-Wales, was likely to be unfavourable to the commencement of the undertaking; and it is well known that beginnings exert a powerful influence on subsequent results. To the Governor of New South-Wales, with his hands already full of sufficiently difficult work, and his mind occupied with an extensive territory only beginning to be settled, and receiving a considerable accession of Emigrants of a particular class, the best management of whom is an unsolved problem, the events of New Zealand, at a distance of some weeks' sail, could only imperfectly come under notice; and his means for devising measures and for executing them must have been proportionably defective. This state of things did not escape the attention of the Government, and New Zealand was supplied with a Governor of its own; but the difficulties of an imperfect beginning were entailed upon him. Various reasons, unknown to the public, might strengthen in the mind of the Governor a preference which, in common with many other individuals connected with the Colony, he entertained for the Bay of Islands, and for the situation of Auckland in particular, and he consequently made it the seat of the Government; but the majority of the Emigrants were already placed in the new and distant settlement of Wellington. At a time when his attention was daily and hourly required to promote the order, prosperity, and happiness of the numerous inhabitants of this new and prematurely-formed settlement, he became practically almost as little accessible as his predecessor had been: for his attention was engrossed in selecting the site and laying the foundations of a remote metropolis, which, instead of the sister and coadjutor of the former, was at least regarded as an obnoxious and powerful rival, and viewed with all the jealousy which such an estimate was likely to produce on the minds of those most interested in the prosperity of Wellington. Other individuals, not so bound to Wellington, felt the attractions inseparable from the seat of Government. The defections consequent on this feeling could scarcely fail to increase the jealousy and embarrassment of those whose interest was attached to Wellington.

It seems necessary to bring these facts into view, since they afford the explanation of a particular state of feelings which has doubtless exerted a great influence on New-Zealand affairs.

The offer of large tracts of land by the Government, and the great and pecuniary interest which it is alleged that some parties high in public office had in the land speculations about Auckland, appear to have lamentably increased the difficulties just alluded to.

In the vicinity of the Bay of Islands, the native population is probably more dense than in any other part of New Zealand. The Natives here had the greatest amount of European intercourse, not only with Missionaries, but with Government Officers, with Settlers, and with the crews of whaling and other vessels. Consequently, without being systematically reduced under British authority, they have, in conjunction with their familiarity with Whites, a comparatively large amount of irregularly-combined and ill-digested knowledge, which, from their natural shrewdness, they must necessarily turn to some account. Thus they knew the value of land, labour, and commodities, as well those which they had to offer, as those which they might receive in exchange; and they could not be induced to repeat the injurious bargains which some of their countrymen had previously made. In illustration of this remark, an important fact may be mentioned, on the authority of a highly respectable gentleman who resided for some years in New Zealand, during which the town of Auckland was founded. The Local Government was desirous to engage a number of native workmen to construct some of the buildings at first required, as had already been done at Wellington. The Natives at the Bay asked higher terms than the English were disposed to grant, but Natives from the interior were induced to undertake the contract for a stipulated quantity of flour. It is no small disgrace to our country that this contract, originally too low to be accepted by the Natives at the Bay, was paid in damaged flour, to the great disgust of the Natives, in whose eyes we must proportionably have sunk in esteem and confidence. The fact is not introduced here as any reflection upon the Government; but whilst it should be known as a palliation of the subsequent conduct of the Natives, it is well to exhibit the mode in which the interests and credit of a Government may be injured by the unobserved acts of its agents, as well as by the land-jobbing of a few inferior officers. The fact of Government Officers participating in land speculations is in itself so objectionable, and so incompatible with the discharge of their duties, that it is needless to make any comments upon particular points of impropriety in regard to transactions of this kind with which individuals holding office in the Colony have been charged, further than to observe, that such conduct being calculated to bring them into suspicion and jealousy, it is probable that their character has suffered from misapprehension, and that their faults have been exaggerated.

When it is considered how large a portion of the country has

changed its owners, and that the buyers and sellers have been almost unacquainted with each other's language and customs, it is really wonderful that so large a portion of the sales have been recognised without dispute. It is calculated to give a high idea of the native character, as well as to furnish an absolute refutation of the assertion which it has, with some parties, been a prominent object to impress upon the people of England—that the New Zealanders are savages, having no notion of the possession of land beyond actual occupation, and whose ideas of change of occupancy are confined to that of the son cultivating the grounds which his forefathers cultivated before him, and of the warrior enjoying the possession of the spot which his slain and eaten enemy had previously possessed. The proceedings before the Commission of Land Claims have proved the truth of many independent assertions, that the New Zealanders have well recognised boundaries of land, which, whether cultivated or not, they transmit from generation to generation, or transfer, for various considerations, to other parties.

It must not be lost sight of, that the country has been long held by numerous independent tribes, which, for the sake of illustration, may be compared with the clans of Scotland in former ages. These tribes were not more successful in maintaining peace with each other than larger nations making greater pretensions to wisdom and civilization; and the acquisition of territory, if not the primary object, was frequently the ultimate result of victory. In this way land may have changed its owners many times, and with whom original ownership, obtained without violence, may have existed, must be beyond all memory or record. It is therefore obviously quite out of the question for England, in assuming the sovereignty of New Zealand, and establishing Courts for the adjustment of land titles, to set about restoring possession to former owners, whose property has been lost by defeat. The combination of European Sovereigns which was made in our own times, under the designation of the Holy Alliance, might as well have restored Normandy to the king of England, and Jamaica to Spain.

It was our obvious duty to put a stop to all conquest in actual progress, and to prevent the recurrence of any wars between the Natives; and although it might be needful to relieve from distress and oppression the victims of any recent war, it was indispensable, in a territory occupied by petty tribes like New Zealand, to recognise established possession, although it might have been obtained by conquest. It has been attempted to get rid of the title acquired by conquest by a sort of appeal to our civilized feelings, in the assertion that such native title has been obtained by the victor killing and eating his predecessor. A New Zealander might as well say that the conquests of civilized countries are

incomplete because we kill and do not eat our enemies. The charge of violence and bloodshed is equally true in both instances; and if we mean to acquire and maintain the peaceful possession of New Zealand, it is certain that native title acquired by conquest must be recognised, as it has been in the case of other nations.

The remarks which have just been made with respect to previous title acquired by conquest are equally applicable to titles acquired by purchase completed before the introduction of British law and authority, provided the sale is proved by evidence, shewing that the transactions really took place, and by the purchaser having, as in the case of the conqueror, the valid claim of possession or controul to urge in support of the right which it will be injurious to disturb.

The settlement of disputed claims of the kind last referred to involves another very important question affecting the proceedings of the Government. It is urged, with great probability of truth, that the price which has been paid by the European purchaser has, in some instances, been so trifling, as to leave no doubt that the Native was cheated in the transaction, however fully he may have acquiesced in the transfer. Thoroughly disgraceful as such proceedings must be regarded, and much as it is incumbent upon us to prevent their recurrence wherever British authority can interfere, it is obviously improper, as well as inexpedient, to annul such contracts when they had been actually carried into effect before the existence of British authority in the Islands. The attempt to rectify the evil has proved worse than its existence; and the Government, instead of obtaining that respect which inflexible justice, although severe, is sure to obtain, has offended both parties, who have been greatly annoyed at seeing the larger portion of the land so purchased abstracted from both buyers and sellers, and appropriated by the Government without any price whatever. The Natives, in particular, have taken up arms to defend the purchaser in the title which they had given him, notwithstanding the smallness of the consideration. A stronger proof of their respect for contracts could not be desired. By giving validity to all purchases, notwithstanding the inadequacy of the price, the cure, or rather the prevention, will grow out of the evil itself. A people of far less shrewdness than the New Zealanders would quickly discover the mistake into which they have been entrapped, and future sales would necessarily be influenced, like other transactions of the kind, by the increase of demand and by the diminution of the article in requisition.

Government was doubtless actuated by a benevolent and parental view of the subject, when, regarding the Natives as children, it stepped in between them and land purchasers, ostensibly to prevent their being induced to part with their land at an inadequate price. In addition to

the danger of their remaining like children, if they are treated as such, a very great practical injustice is done to the Natives through the very means which are taken to protect them. By the Government assuming a pre-emptive right, the Native is deprived of the privilege of offering his land to the highest bidder. He has no alternative but to keep his land, or sell it at the Government price. If he cannot sell his acres for a hatchet or two, which he has now no inclination to do, he is equally restrained from taking advantage of the risen value resulting from local improvements and changes which he is competent to appreciate. In fact, his kind protector has, without any valuable consideration, and even without his acquiescence, deprived him of his right as a freeholder. It cannot be suspected that this was the original intention of the Government measure; but it is its obvious tendency, and it is believed that it has been, in some instances, the realized result.

It is not the object of these remarks to disclaim for the Native any right to protection or redress when he becomes a prey of fraudulent purchasers, but merely to point out the danger arising from measures originating in mistaken kindness. This is not the only mode in which the mistaken kindness of Government Officers defeats its own object, and proves injurious to the Native. In some instances, the Officers, in making no more than a just and reasonable, and even necessary allowance for the ignorance of the Natives, and for the influence of immemorial usage, and of false principles in which they have been educated, may expose themselves to the charge of partiality from those who are as ignorant of New-Zealand law, as the New Zealander is of the British. In such cases, the good sense of the British Settler, if properly appealed to, would doubtless revoke the charge: but there may be other cases in which no such explanation can be urged; and there is reason to fear that excessive leniency shewn to native practices, in contravention of British law or British custom, may effect the double injury of bringing upon the Natives the jealousy of offended Settlers, and of retarding their comprehension of, and compliance with, British legislation. Consequently, the indulged, and even petted Chief, instead of being gradually introduced into that condition in which he might advantageously exercise the functions of a Native Magistrate, enforcing British law with all the authority which his influence as a Chief would lend to his aid, is merely retained as a Chief of the old class, whose dwindling authority must soon be superseded by that of another officer, or be called into exercise in conjunction with some fanatical attachment to ancient usages, by which combination the Natives may be excited to partial acts of insubordination and violence, at once prejudicial to the Colony and destructive of the native race.

There is still another point of view in which the acts of kindness

exhibited by Government towards the Natives must be regarded. It must be remembered that we are the uninvited intruders on the soil, substituting our possession and our authority for the pre-existent order of things with a rapidity which cannot fail, at times, to excite the painful apprehension of a reflecting Native, if he happen to be possessed of territory or power. No British Officer holding authority in New Zealand would be worthy of the honour conferred upon him, or of the confidence of the Government, were he not inflexible in his resolution to render this transition as little painful and revolting as possible to the Aboriginal population, by the marked exhibition of conciliation and kindness, as well as by the administration of the strictest justice. There need be no betrayal of weakness in such a course; and kindness and conciliation would effect that which force could only attempt with the certainty of a defeat, like that of Wairau. But there is reason to fear that the very leniency and favour which have been the subject of complaint on the part of the Colonists have become the means of procuring purchases of land, on the part of the Government, on terms far less advantageous to the Natives than those which any private purchaser could have made with them. In some of these transactions the Government purchases have been mainly facilitated by the official Protectors, whose influence is purely that of kindness. Such illustrations are instructive on both sides of the question, and the conclusions and precautions towards which they point are sufficiently obvious to render it needless to dwell longer on the subject. Kindness with firmness are indispensable; but the Protector system, beautiful and honourable in its design if maintained, must be materially modified to avoid the abuses into which it may slip.

Whilst the relations between the Government Officers in the Colony and the Native Tribes were, amidst various difficulties, progressively increasing, very formidable evils were threatening the prosperity of the Colony, and the rights and existence of the native race. When the Treaty of Waitangi had placed the sovereignty of the Islands under the Crown of England, many Europeans, and more especially the New-Zealand Company, were required to hold their titles from the British Government; and, as a part of this arrangement the most essential to its practical execution, the rights which the parties had acquired by their previous unsanctioned bargains with the Natives were surrendered to the Government. Unfortunately, the amount of land to be given back to the contractors of these bargains was not, in the case of the New-Zealand Company, to be dependent on the price paid to the previous owners, and on the regularity of the contract; but was made to bear a stipulated relation to the aggregate expenses of the Company, however unconnected they may have been with the acquisition of land. Had the land surrendered to

the Government by the Company been in reality as fairly and completely the purchased possession of the Company, as we must, in justice to its Directors, assume that they conceived it to be, the surrender would have enabled the Government to have completed its grant on the principle laid down; which, however irrelevant to the transactions between the original purchaser and the Natives, on which it would seem reasonable that it should have depended, might, for some extraneous reasons of a financial character, be highly suitable. It seems sufficiently obvious that the Government entered into the arrangement, in confident reliance that such was the case; and it was probably anticipated, that even a considerable amount of unconceded land would remain in the possession of the Crown. But the proceedings of the Commission of Land Claims placed both the Government and the Company in positions very different from those in which they were assumed to be when the Treaty was contracted with the Company. The Company could not receive from the Government the land which it was entitled to expect by the terms of the arrangement, and which was essential to it for the completion of its own sales, upon which the welfare and even the existence of hundreds of our suffering countrymen were dependent, simply because the Government had not received the possession of the land which the Company had agreed to surrender to it. Both parties were in a difficulty, and such a difficulty as neither party was able to remove, since the land was still the property of the Natives, and secured to them by the unequivocal terms of the Treaty of Waitangi. The sufferings of our emigrant countrymen, and the powerful influence of the New-Zealand Company, obtained a Parliamentary Committee to investigate the New-Zealand affairs. In the Report, adopted by a majority of that Committee, the Treaty of Waitangi is disapproved of, and the right of sovereignty and disposal, acquired by discovery, is assumed, limited almost only by such right of property as may be conceded to the native inhabitants in favour of those spots on which they have placed their huts or planted their vegetables. The Committee, consequently, adopted the conclusion, that the Government ought to put the Company in possession of the stipulated number of acres, without reference to any territory, whether virtually surrendered by the Company to the Government, or not. In justice to the Parliamentary Committee, it must be remarked, that the title to property in land inherent in a people in a state of barbarism, or in a low degree of civilization, is an unsettled question in the judgment of juriconsults, who have rather obscured than enlightened the subject. The following extracts from some observations upon the Parliamentary Report, made by a legal gentleman, appear to place the affair in its true light. The general question is well worthy of attention, and the discussion of it might be extended to a great length.

"It may, in the first place, be conceded, that, in a large country like New Zealand, there are in all probability portions of territory which have never become the possession of any Native Tribes, either individually or collectively. And on these, if Great Britain had obtained *de facto* the general sovereignty of the three islands—whether by discovery, conquest, or treaty—it would seem to follow, from general principles, that the Queen would have a right of ownership by virtue of her prerogative, as a return for the protection afforded by her Government, and as a means of preventing the evils of a general scramble for lands in which the law of the strongest might become the only title.

"But with regard to those tracts of country which are really situate within the acknowledged boundaries of any Tribe or Chieftain the case is altogether different.

"These, if not actually occupied, or even used for pasture or hunting grounds, and though they might be merely wastes or forests, must be regarded as districts to which a foreign power could have no right, unless by conquest or treaty.

"Conquest is out of the question here; for there was no pretence of a hostile occupation of New Zealand. The terms of the treaty must therefore be conclusive as to the ownership of these tracts.

"Now the words of the Treaty are clearly not restricted to the lands in the actual culture or personal occupation of the Natives: the British Government thereby guarantees 'to the Chiefs and Tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively and individually possess, so long as it is their wish and desire to retain the same in their possession.' A Government ownership, a family ownership, and an individual ownership, are therefore all expressly recognised.

"Neither is it possible, in looking at the question as one either of fairness or of policy, to exclude the practical exposition of the Treaty which is afforded by the acts of the parties on both sides, by immediately proceeding to the sale and purchase respectively of unoccupied as well as of occupied lands on the footing of this Treaty.

"We have no business to consider whether it has been usual on the part of powerful and civilized tribes to deal with those who are feeble, and whom they are pleased to call uncivilized, on principles so consonant to justice as those which are recognised by the Treaty and subsequent dealings with the Natives of New Zealand. Nor are we even bound to consider whether these are the principles which *ought* in general to regulate such dealings, though of this we apprehend there can be no doubt. The question, in the present case, is simply, Has not Great Britain professed, in this case, so to act? and has not her Plenipotentiary

embodied these principles in the Treaty? and has not the Government, by adopting the Treaty, made the words and the spirit of it her own?

"The inconvenience and expense which would result from acting upon these principles, and executing the letter of the Treaty, are the main reasons adduced by the Committee against them. They think that Government or the public may have to pay several thousand pounds for that which, if they had but put on a bold front and demanded it of the Natives, might have been obtained for little or nothing.

"The Committee seem thus coolly to dispose of the rights of the Natives; whilst the only difficulty in their view seems to be as to the respective rights of the Government, the New-Zealand Company, and the individual Settlers.

"The reference to the speech of Sir G. Gipps, made on the occasion of a proposal, now abandoned, to annex New Zealand as a dependency to New South Wales, is really so irrelevant, that it only seems to shew the intrinsic weakness of a cause which needs to be propped up by such a substitute for argument or authority.

"The Counter-Report, prepared and moved by the Under Secretary of State for the Colonies, contains so clear a statement of the difficulties and dangers likely to result from the violation of national faith, by pursuing the course proposed by the Committee, that hardly any thing seems needful but to press upon the Government an adherence to the Treaty of their predecessors in office, and to the principles of justice and equity thus clearly developed by a Member of their own Government."

The Government persisted in adhering to the conclusion which it had adopted respecting the validity of the rights of the Natives, notwithstanding the Report presented to the House of Commons by its Committee. The serious obstacle to the proceedings of the New-Zealand Company which presented itself in the unavoidable delay which it experienced in obtaining, and, consequently, in granting possession of land, and the protracted sufferings and distress of a large number of British subjects, originating in the same cause, excited so much sympathy in a large portion of the public, that the rights of the Natives seem to have been altogether lost sight of, or their existence to have been regarded as a ridiculous fiction. The Colonial Minister was consequently assailed from various quarters. Happily, he was not to be moved by the *civium ardor prava jubentium*, and a majority of the House of Commons sustained the Government in its adhesion to the inflexible principles of justice.

Although, subsequently to the discussion which had occupied the attention of the public, as well as of the House of Commons, this difficult subject has been set at rest by an arrangement which gives the Company the land which is so essential to its operations, with provision for the

previous extinction of native title by purchase, and which consequently establishes a most valuable precedent for the recognition of those native rights for which the friends of the Aborigines have contended, it may, notwithstanding, be worth while to notice some circumstances which occurred during the discussion, since whatever relates to the Natives in the new and important Colony of New Zealand must be regarded as affecting the interests of the Aborigines generally. Before the adjustment, now concluded on, was projected, an idea was thrown out by the Government, in its desire to meet the wishes of the Company and their friends, which, if carried into operation, was to have the effect of screwing the Natives out of that controul over unoccupied land, the enjoyment of which the Treaty of Waitangi had left undisturbed. The plan consisted in imposing a tax on all land whether occupied or not, and whether claimed by Settlers or Natives. Land not producing would consequently become a present burden, instead of a profit, and would therefore be either readily abandoned by the owner, or partially claimed by the Government in payment of the tax. The idea was condemned by those who felt no scruple against the immediate and unconditional appropriation or disposal of the land on the part of the Crown. This objectionable measure, which does not appear to have been pressed by its projector, was probably borrowed from a mode already in practice in some countries which impose a very small tax on land for the purpose of preventing large and important tracts from remaining long out of occupation. There are, however, so many points of dissimilitude, that the practice in the one case cannot be urged as a valid precedent for its adoption in the other.

The title to sovereignty and disposal of territory, founded on mere discovery where the country is already inhabited, virtually resolves itself into the conversion of might into right; and those who advocated the enforcement of this title have very much kept out of sight the amount of might which the previous occupant has it in his power to employ, to disturb the enjoyment of the title for which they have contended. In the case of the New Zealanders, experience has shewn that the amount of this might is very considerable; and had Government proceeded to convey lands, to which it had no other title than that which the advocates of the right of discovery have assumed for it, such tracts, by the time they were brought into undisturbed and profitable occupation, would be the most dearly bought in the Colony, were the expenses of military operations and the destruction of property alone to be looked at, and no regard paid to the sacrifice of human life and happiness which would be involved in the affair. As noticed in the Strictures on the Report, which have already been quoted, a passage in a document of Sir George Gipps has been adduced as a legal authority, to which,

without any disrespect to that Officer, it has no pretension. Now, it is especially worthy of remark, that the declaration of Sir George Gipps—that the assumption of land on the principle ascribed to him would be altogether impracticable in New Zealand—is wholly omitted in the report of the speech of the Under Secretary of State for the Colonies, as published by the party, which has contended that the Government should act on that principle. It must also be borne in mind, that the native right and title, which the Government was called upon to disclaim and disregard, had been acknowledged and confirmed by numerous agreements entered into on the part of the New-Zealand Company; in the relation of which, as published by the Company, merit is not unreasonably claimed for superior generosity and justice towards the Natives.

In the discussion of this question, the existence of some native title to land, beyond the extent of such portions as may be covered by habitations, employed as provision gardens, or *tabooed* as burial-grounds, has been recognised in conjunction with the adoption of the waste-land principle. The combination of these clashing principles could not peaceably be carried into execution in the present state of New Zealand. It was distinctly stated, in the evidence before the Parliamentary Committee, that there is no unsold valuable land in New Zealand to which a native title could not be claimed. Now the appropriation of any portion of such land, however unprofitable and useless it may be to the Natives, could not fail to be regarded by them as an invasion of right which they would esteem it a point of honour to resist, and a combination for resistance and retaliation would ensue, the suppression of which would incur the horrors and expense of a war of races. Experience has fully shewn that the Natives are quite disposed to part with such lands as they do not require, and that, like other vendors, they expect the price to vary with the value: and it may be safely predicted, that peace and security will not be enjoyed by the Colonists, or unresisted authority exercised by the Government, so long as the rights of purchase and sale, and every other privilege of British subjects residing in the Islands, are withheld from the Natives, and there exists a handful of the race capable of offering resistance. The Government may then, indeed, dispose of waste lands when the extinction of the Aborigines shall have left to it the inheritance of all lands not previously disposed of.

With regard to the measures of Captain Hobson, little now need be said beyond the expression of deep regret that the credit of a well-intentioned Government at home, the prosperity of a rising and important Colony, and the well-being of a numerous and interesting native population, should have been injured or endangered by them. His sudden

death deprives him of the means of explanation and defence: and whilst justice arrests inquiry and condemnation, it only remains to hope that his unfortunate example may prove a warning, salutary alike to the governing and the governed.

Not so with Captain Fitzroy. He happily survives to meet and to refute the charges which have been brought against him. He has, moreover, done enough to prove that he possessed qualities to warrant the Government which appointed him, and to raise the hopes of the friends of humanity who hailed with pleasure his accession to office. In justice both to Captain Fitzroy and to those who have loaded him with censures, it must be urged, that far more allowance than has yet been made should be conceded to the fact, that Captain Fitzroy arrived in the Colony on the eve of a crisis, which a train of untoward circumstances, wholly unconnected with himself, was conducting to its inevitable developement. He reached New Zealand when many of the Colonists were either agitated with fear, or breathing vengeance on account of a recent lamentable catastrophe, which blunder and imprudence had produced. Captain Fitzroy adopted the only wise course which presented itself on the occasion; and his great demerit, in the eyes of those by whom he has been censured, has probably been, that that course afforded nothing to gratify revenge, or wipe off defeat. He has been accused of injustice in not hearing both parties;—a charge which is so far from being well founded, that he heard the Colonists' statement first; and, on receiving the Natives' version of the story, he came to that conclusion which has been applauded by reasonable parties, both in the Colony and in this country. Before dismissing the subject in the way most likely to ensure peace, he awarded their share of censure to both the contending parties, more especially dwelling on the crime committed by the Natives, which, it must be remembered, was not merely sanctioned, but strictly enjoined by their own law. In so doing, he avoided the difficulties inevitable by any other course. Had he yielded to the clamour of the Settlers, and proceeded to try the Chief, there was no tribunal in the Island by which, even according to British law, he could be fairly judged, and certainly none to the authority of which the Chief would have bowed. To have attempted to arrest him like a common felon, would have been to repeat the weakness and folly already committed; and to the Natives it would have appeared another instance of the imbecility, rather than of the wisdom of British law. Had he ordered a military expedition to make reprisals, the Natives might have comprehended such an act of retaliation; but it would have been abandoning our professions of peace and Christianity, besides betraying the weakness of the Government, then scarcely supported by troops. He might have ordered a *commando* of Settlers in the old South-African fashion; but such a measure would have been liable to

all the objections of military expeditions, but to a far greater degree: and one would gladly believe that such a course, though it might have been acceptable to a few, would have been generally disapproved of by the Colonists themselves. The propriety of Captain Fitzroy's proceedings in this affair seems to have been fully justified by the result. Rauparaha, though reputed the most savage, and, at the same time, the most powerful of the Native Chiefs, has remained at peace, notwithstanding very strong temptations and motives for taking up arms presented to him by the troubled state of affairs in other parts of the Colony, and by the hopes which he might naturally entertain of being able to get rid of the strangers whom he can scarcely fail to regard as having come to his country to turn the world upside-down.

With regard to Captain Fitzroy's financial arrangements, the friends of the Aborigines have little or nothing to do; but they cannot forget, that the expedients for which he has been censured were forced upon him by serious difficulties, not of his own production.

On the subject of land sales, so intimately connected with the prosperity of the Colony and with the interests of Natives and Settlers, it must be admitted, that there has been an apparent versatility in the Governor's proceedings; but it must have been extremely difficult for any one to decide as to what should be the course resulting from the strange composition of forces which were in operation; such as, instructions from the Home Government, the local acts of his predecessors, conflicting opinions advocated by different authorities, individual interests variously represented, and great and serious difficulties arising from the conflict between practice and theory. As one or other of these discordant influences may have prevailed, we find that a different course of proceedings has been adopted. At one time, all the purchases from the Natives have been strictly confined to the Government; then they were thrown open, on the payment of ten shillings per acre, which, in many situations, would exceed the price to be paid to the Natives, and virtually act as a prohibition, except in particular spots. Then the sum to be paid to the Government was reduced so low as actually to throw open the purchase of land from the Natives. It will be obvious to those who bear in mind the remarks which have been made in a former part of this Essay, but more especially to those who may have watched the progress of affairs in New Zealand, that arguments, apparently possessing considerable weight, may be adduced in favour of each of these measures; nor is it surprising if each, in turn, have weighed with the Governor: and it is at least presumable that the changes which he made, if apparently influenced by the pressure of circumstances, were, in great measure, attributable to his increased knowledge of a confessedly complicated and difficult question. The obvious tendency of

his policy was towards the relaxation of restrictions; and it was in perfect consistency with the same principle that Captain Fitzroy took another step, which has attracted great attention, viz. the abolition of customs—a step which those who are best acquainted with the subject regard as eminently calculated to promote the general prosperity of the Colony, conciliating the Natives, and promoting their comfort and commerce, whilst giving employment and activity to British manufacturers and merchants: whereas, the duties, if continued, would only procure a scanty revenue from a disaffected population, whose legitimate traffic would be kept down, whilst a contraband trade would inevitably spring up, with all its demoralizing and atrocious concomitants. The suppression of the duties is a measure on which, in the opinion of a well-informed and enlightened New-Zealand Colonist, Captain Fitzroy may lay a just claim to the applause of his contemporaries, and of posterity.

Of Captain Fitzroy's policy and conduct with respect to the Natives, it is extremely difficult to form a just estimate. It is at least certain that he entered on his office thoroughly impressed with the conviction, that it is a duty laid upon us by religion and honour to let all our relations with the Aborigines be regulated both by justice and kindness; and it cannot be doubted, that had he, when he arrived in his Government, been at liberty to form and carry out the measures of his choice, instead of being called upon to act as the Dictator in a difficult crisis, New Zealand would have been favoured with an order of things far more advantageous to its mixed population, as well as more honourable to the various interested parties, than we have yet been permitted to behold. It is scarcely possible to conceive, within the same limits, a more difficult state of things than that which awaited the new Governor on his arrival. The Colonists, beset with losses, reduced to distress, and, from various causes, split into parties; whilst individuals, from variety of mental constitution, and from diversity of education and habits, were ready for any thing which dejection, fear, despair, grief, indignation, revenge, amongst the bad passions, quite as much as resignation, prudence, and resolution, of an opposite character, might dictate. He found the Natives throwing aside an exaggerated deference for the Whites, and passing into an opposite state of overweening confidence in themselves, in which kindness on the part of the Government might be mistaken for weakness and fear. The Natives, too, like the Settlers, were divided into parties in commerce, politics, and religion. In this state of things, he did not possess the means, even if he had the inclination, to make all bow to his authority. He had recourse to persuasion and kindness; but no steps had been taken, from the commencement of the Colony, to introduce those arrangements of civil society which are essential to maintain order when established. The work of reconciliation

had, consequently, again and again to be renewed, but with progressively diminishing success, proportioned to the increasing dissatisfaction of the Settlers and to the growing self-confidence of the Natives.

In the course of these events, one occurrence demands particular notice. A Chief, with a party of the Natives, had committed a breach of the peace, and appeared in open opposition to the constituted British authorities. The affair was brought before the Governor, the justice of whose displeasure was admitted by the Natives, who acknowledged their error, and promised to return to their allegiance. To the Governor's lasting praise, he did not amerce the Natives in a tract of land to be given up to the Government. This mode of punishment, which had been adopted on some former occasions, can scarcely be too strongly reprobated. In the eyes of some it may have the recommendation of obtaining cheap possession of land, which is so much desired; but if the tract be really not required by the Natives, the surrender will scarcely be a punishment; whilst if it be of importance to them, the privation will be a lasting grievance and ground of disaffection. In either case, it would be made evident to the Natives, that it is a leading object with the Government, as well as with the Company and individual Settlers, to obtain the possession of their land, to which end every variety of means is made to concur. A fine in land is far more calculated to teach the Natives the object of our cupidity, than to convince them of the magnitude of their offence, and to impress them with the repugnance with which, in civilized society, infractions of social order are regarded. It is peculiarly calculated to make the Natives doubt the sincerity of our professions of interest in their welfare, and to excite apprehensions the most likely to promote and retain a determined union against our occupancy. What the Queen of Scythia saw that blood was to Cambyzes—what the Natives of America saw that gold was to the Spaniards—land must appear to be to the English in the eyes of every Native whose territory we attempt to colonize.

In praising this part of Captain Fitzroy's conduct, it is not intended to assert that the entire course which he adopted was the best. Experience has shewn that it would have been wiser not to have given back to the rebel Chief the arms which he is so ready and so able to employ against the Government. It would have been better to retain them, and so to have placed them as to make it distinctly evident that, in depriving the Natives of the means of offence, we had neither the occasion nor the wish to use these arms ourselves.

Much has been said regarding the impolicy of leaving a Colony like New Zealand without the protection of an efficient military force, which, it is presumed, might have prevented the hostile and bloody encounters which, on account both of our countrymen and of the Natives, there is

so much cause to deplore. It is imagined that the untimely absence of military must occasion, at a later period, the introduction of a far larger body of regular troops, the embodying of a colonial militia, and a war of races marked with reciprocal atrocities, and ultimately annihilating the Natives. It may be conceded to those who have expressed this opinion, that when force is to be employed, prudence and humanity concur in recommending that it should be sufficient, either at once to overawe, or to carry its point with the shortest struggle and the least resistance: nor can it be disputed that regular troops, under the restraint of strict discipline, and under the order of a wise and experienced leader, are more certain of success, as well as more likely to attain their object with forbearance and moderation, than a body of newly-enrolled local troops, who cannot fail to bring their individual personal feelings into the contest, and who are consequently but little disposed to submit to restraint when most required, as in the case either of a check or of a victory. The question, however, did not consist in the choice of these alternatives. It was the confident expectation, no less than the avowed object of the founders of the Colony, that it was to be planted and to flourish in friendship and harmony with the Natives, whose preservation and well-being were put forth as objects of the highest importance, which were to make the British occupation of New Zealand conspicuous by its bright contrast with the dark shades which bloodshed and extermination have cast over almost all other colonies of British settlement. The public applauded the design, and each Colonial Minister in succession became the advocate of the Natives, and contemplated securing their allegiance and good behaviour by the ties of gratitude for benefits conferred, as well as by the hope of many advantages resulting from our civilized institutions. The example of Pennsylvania, founded by men of peace, destitute of arms, and without military defence, maintaining friendly relations with warlike tribes for upwards of half a century, in which her prosperity equalled, if not surpassed, that of her sister colonies, which were the frequent scenes of the most cruel hostilities, may have taught that these hopes were not unreasonable. Even when the colonization of New Zealand had commenced, and was actively proceeding, the reports of numerous independent Settlers concurred in glowing representations of the Natives, calculated to sanction the hopes which had been entertained. It was therefore a question of the most serious character, not hastily to be answered in the affirmative, whether New Zealand should be visited with the evils of a military occupation;—it may be said, the evils of military occupation, whether troops be introduced for conflict with the Natives, or merely to serve as the peaceable attendants on the Governor, increasing his state, and adding weight to his authority. In the peculiar state of the population of New Zealand,

and more especially of that part of the native population which is in the nearest contact with European Settlements and vessels frequenting the ports, the demoralization and sufferings likely to result from the presence of troops may be too easily conceived to require the least description here. The consequences to be anticipated were amply sufficient to warrant any reluctance to the employment of troops. It is not to the absence of a military force, but to other omissions as well as commissions, that the difficulties and failures in carrying out the New-Zealand experiment, are to be attributed.

Although there is reason to fear that the apprehensions of the friends of the Aborigines, with regard to the colonization of New-Zealand, will be too fatally realized, and that, notwithstanding all the professions of interest for the Natives made by the promoters of New-Zealand colonization, this last and peculiarly-interesting Colony will form no exception to the general fact, that our Colonies have been planted in a soil acquired by spoliation, and watered by the blood of its children, there may be some, who, in contemplating the extent and success of British colonization, may be disposed to say, with a Roman poet, when extolling the reign of Nero, *Scelera ipsa nefasque hæc mercede placent*. Others, looking only on the acts of violence committed by the Natives, and regardless of the provocation which they have received, and making no allowance for their ignorance, may consider all their sufferings and losses as the merited chastisement of their faults. It is probable that the majority of the public look upon the Natives with perfect indifference, or quickly allay any transient feeling of sympathy for them by considering it as an ordination of Providence that the weaker races should melt away before the stronger. There are some who maintain that too much kindness has been shewn to the Natives, and that too much respect has been paid to their rights: and it has even been asserted that the influence of their friends in the mother country has been largely operative and proportionably injurious in the Colony; but for this there is no foundation. It is true that the friends of the Aborigines have hailed with pleasure the reiterated indications of the growing adoption of improved sentiments and principles in relation to the treatment of uncivilized races, and have cordially applauded the numerous assurances to that effect, which, with undoubted sincerity, have proceeded from some of the highest officers of the state; but the measures which have been resorted to, to bring these principles into operation, are so far from having emanated from the Aborigines' Protection Society, that they have been the subject of its regret and remonstrance; whilst others, which it has regarded as of the highest importance, and advocated both as general measures and in particular cases, have remained unattempted. In defect of these measures, it cannot fairly be

said, that any experiment for bringing the principles of the Society to the test of experience has been tried and has failed.

The first and chief desideratum has doubtless been the organization of the country, in close connexion with the native tribes, to the widest extent of our influence over them. To have entered into details would have been impracticable in the short space of time in which the Colony has existed; but the leading outlines might have been traced, and the foundations of the structure laid. Without wresting authority from the hands of the Chiefs with whom it already existed, they would have been brought to exercise it in unison with the Colonial Government, and gradually led to the adoption of measures calculated to meet the wants of a population, changing both by the influx of foreigners and by the modifications which the Natives themselves must undergo through the increase of knowledge and the creation of new wants and novel circumstances. Past experience attests both the expediency of some such legislation and the failure attendant on the want of it. The New Zealanders at one time respected and desired our institutions, from which they expected security, distinction, and many personal advantages. Their sanguine hopes were raised. They were like the thirsty land, ready to drink in the falling shower; and, had the favourable opportunity been embraced, a new order of things, tending to complete organization, might have been introduced in the most amicable manner. The attention necessary to carry out the plan would have occupied and interested the minds of the Chiefs; practical benefits of various kinds would have recommended our institutions, and confirmed our influence, propagated through well selected individuals, diffused through the country to assist the Chiefs. Not only the favourable opportunity has been lost, but almost insurmountable difficulties have been created, which must render future attempts arduous and unpromising. The fair page on which the New-Zealand code might have been readily inscribed to receive the respect and deference of an intelligent and high-minded people, has been soiled with many stains. The pen of the lawgiver will flow with difficulty, and even his best institutions may be rejected with disdain.

One important measure connected with the process of organization, and essential to its commencement and progress, would be, a general system of registration, recording existing boundaries and possessions. Such a measure ought to excite no jealousy, since it could have no direct reference to the acquisition of land, but merely to the recognition of existing authorities, and to the introduction of such subdivisions, after the manner of our own *hundreds* and *tithings*, as would be requisite to complete the carrying out of the system, and enable each district to maintain its own peace, and receive communications from the Central Government, or make communications to it. A work like this, of which

we see examples exerting their influence to our own time, and conferring their advantages on every Englishman, was set by our Alfred and our Edward. Organization must not wait till civilization has prepared for it: it is rather the parent than the offspring; and without it the increase of strength and wealth in a country must tend to evil rather than to good.

CONCLUSION.

IN the preceding pages the Committee of the Aborigines' Protection Society has endeavoured to give such a view of New-Zealand affairs, and more especially of facts connected with that state of things which has of late excited so much painful interest, as may assist the unbiassed reader to comprehend the bearings of important questions, which are very naturally liable to be placed in a different point of view by more personally-interested parties. The invariable tendency of modern colonization having been to the injury and destruction of the original population of the colonized districts, and the Aborigines' Protection Society having been called into existence by the painful sympathy which this fact has inspired, more especially with relation to British Colonies, it became the duty of this Society to watch the progress of events bearing on the interests of native tribes. Being wholly unconnected with any political, commercial, or sectarian party, it looks at measures, and their effects and tendencies, rather than at the individuals by whom they are planned and executed. And whilst it is necessary to notice evils, and trace their causes, the Aborigines' Society would rather mitigate than aggravate any personal failure, being well aware of the very great practical difficulties in which all parties, from the highest to the lowest, connected with colonizing enterprise are involved. The just perception of these difficulties is a necessary step to their being surmounted. It may be true that the Society contemplates with restless anxiety those evils which do not move many of their countrymen, who consider them as the inevitable associates of the extension of civilization. The Society has been actuated by a very different conviction. It cannot believe that a Christian people, diffusing themselves through the most remote parts of the earth, must necessarily be a visitation of unmixed and inevitable evil to their fellow-creatures. The idea is so repugnant to the proclamation of "Peace on earth, and goodwill to men," by which Christianity was ushered into the world, that it ought not to be admitted for a moment. Colonization is not to be condemned because of the manifest evils which have, unhappily, been associated with it. The diffusion of mankind over the surface of the globe is a natural consequence of laws governing

the human race, and imposed by the Author of Nature ; and it must be absurd to suppose that they inevitably clash with the precepts of Christianity. The command, "Be fruitful, multiply, and replenish the earth," coupled with the announcement of "Peace on earth, and goodwill to men," suggests a colonization free from the evils which we now deplore, and which it cannot be Utopian to desire. Great national benefits have been permitted to accrue to Great Britain from her numerous and widely-spread Colonies, notwithstanding the many crimes which have marked their progress. But in most instances prosperity has been checked, and prospects have been marred, by calamities too distinctly emanating from misconduct, for the relation of cause and effect to be overlooked. The Aborigines' Protection Society is not raised in opposition to colonization in general, or to British colonization in particular. On the contrary, it advocates colonization consistent with wisdom and justice, and conformable with the precepts of that religion which Britain, as a nation, professes ;—a colonization which now, more than at any other period, is worthy of the highest ambition by which a British statesman can be actuated, seeing that it must unite the building up of new states with the confirmation and prosperity of one already built, and upon which the well-being of millions depends. *Neque enim est ulla res in quâ propius ad deorum numen virtus accedat humana quam civitates aut condere novas, aut conservare jam conditas.*



APPENDIX.

THE following Letter, which was written before the New-Zealand Company had commenced its operations, appeared in one of the earliest publications of the Aborigines' Protection Society. It exhibits the views entertained by the friends of the Aborigines at that time, and anticipates some of the difficulties which have since been experienced. The suggestion for the organization of the Native Population in connection with the British Settlers would probably still be found of practical advantage, and prove the most effectual and peaceable mode of consummating the object contemplated by the Treaty of Waitangi, since the preponderance of those districts in which British law is effectually established must lead to the progressive annexation of the remainder.

DR. HODGKIN TO BENJAMIN HAWES, M.P.

Lindfield, 11 Month 27, 1837.

RESPECTED FRIEND—

As I was about to leave London on account of the state of my health, which has rendered it necessary for me to abandon all my occupations, I received a little book from my friend Saxe Bannister, containing an account of New Zealand, and of a project for colonizing it, under the auspices of a Society, of which I observe thou art one of the Directors.

The lively interest which I feel in the subject induces me so far to transgress the restriction of my medical friends, as to dictate a few observations relating to it, with which I shall take the liberty of troubling thee, not doubting, from thy zeal in the cause of humanity, that thou wilt receive them as they are intended.

I was much gratified to observe that the New-Zealand Colonization Society has, in very unequivocal terms, expressed its desire that the settlement which it is about to form may become the means of rendering important services to the Aborigines of the country, and thus form a contrast with every instance of modern colonization now on record.

I observe that, in accordance with this resolution, several pages of the volume in question are devoted to the consideration of regulations proposed to be made on behalf of the Natives.

It is from a serious apprehension that these projected measures must fail to accomplish the benevolent object for which they are designed, that I am anxious to claim thy attention to the observations which I

have to offer. Though they do not possess the weight which personal experience in enterprises of the kind might confer, yet they proceed from one who, for more than twenty years, has devoted much careful attention to the subject, and watched the result of the operations of others. Your Society proposes,

I. To acquire the land, on which its first settlement is to be made, by purchase or other amicable arrangement with the present possessors.

II. To form a Colony so complete in all its parts, by the arrangements made in this country, and by the requisites in persons and things taken from hence, that it may resemble a full-grown tree transplanted with its own soil about its roots.

III. It contemplates, that not only this establishment will be eminently successful, but that its example will effectually convince the Natives of all our advantages and superiority, and lead them to imitate our example, and seek to come under the government and protection of the Colony.

IV. It contemplates that the Chiefs and others in authority will so far participate in this opinion, as to give up in your favour the power and authority which they at present hold ; and certain privileges are projected to be given to them in compensation for such surrender.

I. Although nothing can be said against the just and honourable principle that has dictated to you the first of these articles, yet I cannot help looking to the probable consequences to which this step, perfectly unexceptionable in itself, may tend. Experience has shewn that it is almost impossible perfectly to amalgamate widely-different races, especially when the line of demarcation is still more strongly marked by differences of religion and language, and great superiority of physical force, civilization, and intellectual cultivation.

As a consequence of their not amalgamating, jealousies and differences spring up between them, which are more or less protracted, according to the degree of strength with which the inferior can oppose the superior, but ultimately terminating in the absolute subjection or total extermination of the former.

Notwithstanding your best intentions, it is to be feared that differences will arise between your native neighbours on your account, some being disposed to favour you and seek your alliance, whilst others will cling to their ancient ideas, and, in seeking to injure and oppose you, will really be much more destructive to the interests of their countrymen: the assistance which you may be called upon to give to your friends must almost inevitably increase the evil and expedite the diminution of the native inhabitants.

2. The complete equipment of your settlement as a transplanted British community will, doubtless, greatly contribute to the comfort of

the individuals composing the expedition, and thereby promote the success of the undertaking: it cannot, therefore, in itself be otherwise than a laudable arrangement; but, as respects the Natives, it may tend to occasion two not insurmountable evils. (1.) The Colonists being, as respects their comforts, so completely independent of the Natives, will not be much disposed to cultivate social intercourse with them, but rather promote and maintain that superior standing by which they are so widely separated from them. (2.) The comforts and prosperity of your people will encourage other White settlers from this country, from Australia, and the United States, either to increase the number in your Colony, or to institute others of a rival character in different parts of New Zealand: both of these consequences will be injurious to the Natives, but the latter will be scarcely less so to yourselves also.

3. From what I have already said, thou wilt see that I doubt the realization of the anticipations contained in the third article. In doing so, I am not forgetful that the New Zealanders have distinguished themselves from almost all the uncivilized Natives with whom we are acquainted, by their inclination and aptness to imitate European arts. But that very high intellectual standing which has prompted them to exhibit this character, will make them in some degree alive to the advances and growing power of a race, which they will, sooner or later, perceive to be their rivals for the possession of the country which, in common with various rights and customs, their ancestors have transmitted to them. They will make you feel that they have endeavoured to be apt scholars in the art of war, but they will shun your religion, your politics, and your social economy; and, above all, they will be under the strong counteracting influence of the Chiefs and Priests, few of whom, I may venture to predict, will permanently submit with any degree of cordiality to the proposals comprised under the fourth article.

4. The possession of power, and more especially unlimited power, is so sweet to all those who have once enjoyed it, that we see it, with few exceptions, strongly clung to, from the lowest slave-holder to the highest monarch. The most important and desirable reforms which you may offer to the New Zealanders for the regulation of their civil affairs, will, I fear, be rejected *in limine*, if they are offered in conjunction with the abolition of the existing authorities. The aristocracy of New Zealand, in whose cordial co-operation you will, in the first instance, find the most important element of success, will so far resemble their most conservative antipodes, as to employ all the means of authority and intimidation in their power, to avert what they will regard as fatal revolution and change.

To prevent such results attending your well-intentioned efforts, I would suggest that you should rather attempt to found a commercial

metropolis for the Natives of New Zealand, than seek to colonize the country, and open the door for emigration from this and other civilized countries. Let emigration be encouraged to those regions which are either wholly without inhabitants, or very thinly peopled, but not to a country like New Zealand, which is already tolerably well peopled by a race possessing strong mental and bodily powers. I would ask, whether every really desirable purpose which you have at heart might not be more easily, speedily, and economically effected, by founding a well-placed city, having a certain limited territory belonging to it. With this little territory, the various petty states, into which the country may now be divided by its native possessors and rulers, might, by skilful management and address, be induced to form such a league or confederation, as would not only secure your safety, but maintain peace and tranquillity amongst the neighbouring Chiefs, whose hostility to each other has been exhibited in warlike expeditions, which their acquaintance with European arts have made more frequent and bloody. The peace which you will thus promote would favour the introduction and cultivation of all the arts necessary for the production of those commodities, which it is your object to import from your settlement.

By adopting a liberal principle in your commercial intercourse with the Natives, they would soon begin to feel and appreciate the advantages of a better system of exchange than any which they have hitherto enjoyed. Your popularity and influence would increase, and by degrees you would be able to introduce into the territories in alliance with your settlement all the reforms which Christianity and philanthropy desire, and you will have it in your power, as far as you can reasonably wish, to check the formation of rising settlements, projected in this or any other civilized country, to compete with yours, and threaten by its rivalry the peace of the country. When I visited Sicily, some years ago, I saw, on a small scale, an illustration of the principle which I propose, in Woodhouse's establishment at Marsala. He had not only introduced the cultivation of the vine upon his own estates, which were of considerable extent, but he had succeeded in persuading the occupiers of the neighbouring country to follow his example; and he was thus enabled, with a mutual advantage to himself and the Sicilians around him, to supply the demand for the improved wines of the district, which are sought in the markets of Europe and America. Thus this individual enterprise produced the manifest fruits of industry and activity over a considerable tract, which formed a striking contrast with the obvious apathy which the misrule of that beautiful island had too generally occasioned. You might easily persuade the New Zealanders to frequent your plantations, your manufactures, and your schools; and they might soon be trained to build and navigate your vessels, as well as to raise and bring to your

markets the exportable productions of their soil. To the Courts of Justice which you would institute our countrymen might be amenable for those acts of injustice and atrocity by which they disgrace England and Christianity, and excite the barbarous retaliation of the savage. Whilst the Missionaries would be protected by your influence in the prosecution of their Christian and laborious efforts, they would feel your inspection a check to inactivity, as well as to more serious evils, by which some among them have, it is to be feared, dishonoured the high profession which they are making, and placed stumbling-blocks in the way of the Heathen, before whom they have disgraced themselves.

Could I succeed in inducing you to make such modifications in your plan as to give to your Settlement the general character of the outline which I have sketched in this Letter—which I have extended beyond the limits to which I originally intended to confine myself—I cannot but encourage the gratifying anticipation that you will not only avoid being the unintentional authors of much evil, but that you will become the originators of many important advantages. Not only will you spare yourselves much trouble and expense, but greater profits will reward your outlay: you will have set a bright and much called for example, in your new line of policy towards uncivilized races; and you will have founded a city, which, by its importance as well as its position, may be the future London of the Southern Hemisphere, worthy to mark the auspicious commencement of the reign so nearly coeval with its origin.

Thine sincerely,

T. H.

PASSAGES ILLUSTRATIVE OF THE NATIVE CHARACTER, AND
OF THE INFLUENCES ACTING UPON IT.

Mr. HALSWELL to the Secretary of the Company.

Wellington, Nov. 11, 1841.

Most of the tribes in the interior are largely engaged in agriculture, producing potatoes, maize, melons, &c., and also breeding pigs: it is not possible at present to calculate to what amount this is carried on, but it is very considerable. The custom-house returns at Port Nicholson will, in time, give some insight into this question. The actual value of the labour done by the Natives at Port Nicholson is estimated, by a very acute mercantile man at this port, at little short of 30,000*l.* since the first formation of the Settlement.

The Native is an excellent thatcher, and has already caught the inclination to build a better house than the one he has been in the habit of living in. Their aptitude generally is remarkable; and it is obvious, with proper encouragement, they would soon not only acquire our language, but adopt our customs to a certain extent. With the rising generation there would be no difficulty, and it is much to be regretted that the adoption of the English language has been so long delayed. It cannot, however, be any farther resisted, for the Native is breaking through all restraint; and, amongst some of the young men, to speak and to read English is eagerly desired. I have known several who have spent hours by my side endeavouring to make out words and sentences from English books, asking the name and power of such letters, which are not taught by the Missionary, because they are not in their language. I have found them full of intelligence, of quick apprehension, and generally they are good tempered and patient; and, to use a familiar phrase, because it is most expressive, they are what may be called "wags."

They are nevertheless frequently caught by the unprincipled dealer. For land bought from the Natives by the Government in the neighbourhood of Auckland, a good garment, worth twenty shillings, is perhaps given as part payment to some one of the tribe; this is immediately taken to the barracks, and the soldier purchases the same for five shillings, the money for the time being in more estimation than the trousers. The poor Native is next attracted by a common red cotton handkerchief, flaring from the entrance of some dealer's tent: he immediately lays out his five shillings for an article not worth one, and carries off his new toy with great satisfaction. A fish-hook, not worth a

halfpenny, will at times purchase a melon, for which he has refused a shilling; but these deceptions never occur twice, as he soon finds out the real value of the article so procured.

From Sir RICHARD BOURKE to JAMES BUSBY, Esq.

New South Wales Government House, 13th April, 1833.

AN address to His Majesty, lately forwarded from several of the Chiefs of New Zealand, requesting the King's interference for the punishment of evil-doers, and claiming his Majesty's protection for their country, sufficiently shews the favourable point of view in which the power and justice of Great Britain are regarded by them.

*From JAMES BUSBY, Esq. to the Hon. the Colonial Secretary of N.S.W.
British Residency, Bay of Islands, 16th June, 1837.*

I MAY go further, and submit that this would seem the instinct of natural justice, as exemplified by the reference which the Chiefs made to the King of England in their declaration of independence. They prayed "that His Majesty would continue to be their parent, and that he would become their protector." The sentiment and the language were their own.

J. BUSBY, Esq. to G. W. HOPE, Esq.

38, Norfolk Street, Strand, 17 January 1845.

WHEN it was proposed to the Natives to cede the sovereignty of their country to the Queen, the alleged grounds of that proposal were the great influx of Her Majesty's subjects into New Zelaand, which she could not prevent, and the impossibility of repressing the disorders which resulted from such a state of things, and of affording protection to the weak and well-disposed of either race from the violence of men of an opposite character. The only motives alleged were those of benevolence and protection. The Chiefs were persuaded to agree to the treaty (so far as it was executed at Waitangi) by their confidence in the Missionaries and myself. But had we been aware that it was the intention of Her Majesty's Government to enter into a competition with the New-Zealand Company in colonizing the country by the profits to be realized from the lands of which the Natives were invited for their own protection to yield the pre-emption, we could not, with our knowledge of their feelings and sentiments, have conscientiously recommended them to agree to the treaty; nor, had it been otherwise, would our recommenda-

tions have had any influence with the Natives, provided the intentions of the Government had been made known to them.

It therefore need excite no surprise that they should consider themselves as over-reached and betrayed, when that right of pre-emption which they were prevailed upon to yield to the Queen, for the benevolent purpose of protecting them from the fraudulent dealings of her subjects, should be made the very instrument of realizing their worst fears. Whatever may be said of the desire of the New Zealanders to have our countrymen settled amongst them, they have always dreaded the approach of such numbers as should place them in our power. They are aware of the degradation to which the Aborigines of other colonies have been reduced by the establishment of British dominion; and they frequently refer, with pain and apprehension, to the conduct of the Governor of New South Wales towards "his friend Bungarahie," meaning the Aborigines of New Holland and Van Diemen's Land, as represented in the person of their Chief.

Enclosures in a Letter from W. SHORTLAND, Esq. to LORD STANLEY.

[No. I.]

SPEECHES OF THE CHIEFS—TREATY OF WAITANGI.

Williams.—They tell us you are come to murder all the Maories; but if your works are good, you will come to preserve us. If you are like the Missionaries, that will be good. We fear the soldiers.

Davis.—I say, yes; I say, yes, for the Queen: although other men say no for the Governor, I say, yes. If the Governor come to be our shepherd, that is good; but if he come to take our land, I will not have him. If you say, Who makes me say, yes; I say, My own heart. Much land has been bought by the Pakehas. Let it not be said it has been taken by the Governor. It has been taken before. I have nothing more to say. If you have any thing to say, say it now; but do not go home and grumble.

Forde.—Let all our sayings be one; let none say, no. The Governor has not taken our land; it was taken before: my heart and my thought are with the Governor. I say, yes, yes.

Busby.—Before the Pakehas came, we loved our own people: we sometimes quarrelled; then made war; then we made peace again, and rubbed noses; then we had another battle. I am glad you are come: let our hearts be one. If quarrels happen, who will settle them? You are so far off. Murder and theft may be repressed, but what shall be

done with adultery: it is carried on privately: do not let it be said I hide any thing.

Prin.—It will be good to see all the adulterers hanged in a row.

Mathew.—Will a man be taken up if he walk in the night? that is all I am afraid of. If a man steal, it is right to punish him. This is all I have to say. Let all the Governors and Pakehas be like the Missionaries, that we be good: we have not been hurt by them.

Mattu.—If your thoughts are as our thoughts in Christ, let us be one. We believe your hearts to be good. The Pakehas bought all our land, and we have no more.

Broughton.—There is only one great man that cannot be killed, that is the tongue: it often stirs up great wars. My father, Noble, was sitting in his house reading his Bible when they said he was gone to the north to kill the people.

[No. II.]

SPEECHES OF THE CHIEFS.—TREATY OF WAITANGI.

Chief Tainni.—We are glad to see the Governor; let him come to be a Governor to the Pakehas (Europeans). As for us, we want no Governor; we will be our own Governor. How do the Pakehas behave to the black fellows of Port Jackson? They treat them like dogs. See! a Pakeha kills a pig; the black fellow comes to the door, and eats the refuse.

Papahia.—What is the Governor come for? He, indeed! he to be high, very high, like Maungatanina (a high hill near Hokianga), and we low on the ground, nothing but little hills. No, no, no! let us be equal: why should one hill be high, and another low? This is bad.

Tainni.—We are not good (or willing) to give up our land: it is from the earth we obtain all things: the land is our father; the land is our chieftainship: we will not give it up.

Kaitoke.—No, no, Mr. Governor, you shall not square out our land and sell it. See there, you came to our country, looked at us, stopped, came up the river; and what did we do? We gave you potatoes, you gave us a fish-hook; that is all: we gave you land, you gave us a pipe; that is all. We have been cheated: the Pakehas are thieves; they tear a blanket, make two pieces, and sell it for two blankets; they buy a pig for one pound in gold, sell it for three; they get a basket of potatoes for sixpence, sell it for two shillings: this is all they do; steal from us: this is all.

Tainni.—Lo! now for the first time my heart has come near to your thoughts. How do you do? How do you do? I approach to you with my whole heart: you must watch over my children; let them sit under your protection: there is my land too; you must take care of it; but I do not wish you to sell it. What of the land that is sold? Can my children sit down on it; can they, eh?

John King.—My speech is to the Governor. This is what I have to say: it was my father, it was Muriwai, told me to behave well to the Pakehas. Listen, this is mine: you came, you found us poor and destitute: we, on this side, say, Stay, sit here; we say, Welcome, welcome. Let those on the other side say what they like; this is ours to you, Stay in peace: great has been your trade with our land: what else do you come for but to trade? Here am I—I who brought you on my shoulders, (who have been favourable to the introduction of Europeans): I say, Come, come: now you must direct us, and keep us in order. That is all mine to you. If any one steal anything now, there will be a payment for it. I have done my speech.

Daniel.—What, indeed! do you think I will consent to other people selling my land? No, truly; if my land is to be sold, I shall do it myself. But no, I will not sell my land; I do not like the Pakehas to tease me to sell my land: it is bad; I am quite sick with it. This is my speech.

*From Capt. W. HOBSON to his Excellency, Sir R. BOURKE, Governor.
H. M. Ship, "Rattlesnake," Port Jackson, 8th August, 1837.*

REVERTING to the position in which our countrymen stand in regard to their factions, it is a remarkable fact, and worthy of imitation by more civilized powers, that the hostile forces have repeatedly passed through the very inclosures of the Missionaries at Paihia, on their way to and from the field of battle, without molesting a single article belonging to the Whites; and in one instance the two parties, by mutual consent, removed the scene of action to a greater distance from our settlements, lest a White Man should by accident be injured. How long this feeling may continue it is impossible to say. I only know that those who have everything at stake—their lives, their families, and their properties—entertain not the slightest apprehension of any change.

I heartily wish I could report as favourably of their situation with respect to the abandoned ruffians from our own country, who have, from time to time, found their way to the Bay of Islands. From these, indeed, there is much to be dreaded. An instance of a most daring burglary occurred in my absence on the east coast, in which a British Settler was extensively robbed, his life attempted, and the females of his family

most brutally treated. I am happy to say, two out of four of the perpetrators of this outrage have been apprehended and banished by the Natives, and were brought to Sydney in this ship.

Heretofore, the great and powerful moral influence of the Missionaries has done much to check the natural turbulence of the native population; but the dissolute conduct of the lower orders of our countrymen not only tends to diminish that holy influence, but to provoke the resentment of the Natives, which, if once excited, would produce the most disastrous consequences. It becomes, therefore, a solemn duty, both in justice to the better classes of our fellow-subjects and to the Natives themselves, to apply a remedy for the growing evil.

It has occurred to me, that if factories were established at the Bay of Islands, at Cloudy Bay, and Hokianga, and in other places, as the occupation by British subjects proceeds, a sufficient restraint could be constitutionally imposed on the licentious Whites, without exciting the jealousy of the New Zealanders, or of any other power.

*Report of Mr. G. CLARKE, JUN., Deputy Protector of Aborigines.
Auckland, Dec. 13, 1843.*

I ALSO gather from the Natives that the inhabitants of Te Aro, Kumutoto, and Pipitea, finding that the Europeans wanted to take possession of the land on their side of the harbour, resisted the surveyors, and every attempt at building for some time; but were pacified by a Christian Native named Richard Davis (who possesses very great influence over the Natives, and who has had a good deal of experience in the English language and customs of Europeans). He told them that it would be better for them to use no force; that the Government would send down Magistrates (Kai Wakawa), who would see that justice was done to them. With this they were satisfied at the time; but new aggressions again exasperated them, and several disputes followed, which, however, were partially settled by the interference of Davis.

Since my residence in Port Nicholson the Natives have been incessantly complaining to me, that, notwithstanding the assurances given to them by his Excellency, the late Governor, that the Europeans should not interfere with their paha or cultivations, it has not been attended to by the Settlers. Many of them have had their cultivations destroyed, many taken away, and they have not been able to obtain any redress. From my duties being confined to the Commissioner's Court, I did not deem myself authorized to interfere with what was evidently the duty of

the Protector of the district, and accordingly instructed them to apply to that gentleman.

The small proportion that the children bear to the adults is alarming. Take Te Aro, for instance: the total number of souls in the pah is 136, of which 70 are men, 42 women, and 24 children.

I had an opportunity of visiting some of the Natives in Cloudy Bay. I found them very much excited in consequence of some outrages that had been committed upon them by Europeans. It appears that a party of disappointed whalers have been prowling along the coast, entering the burying-grounds, and disinterring the bodies for the sake of the green stone and other treasure generally buried with them. Amongst others, they exhumed the body of the eldest brother of Rauparaha, the principal Chief of the southern district. I saw the Natives, and informed them that I would lay the matter before the Government in Auckland. The aggressors, I believe, escaped to Otago, or some of those new settlements in New Munster. I could not but be surprised that the Natives should so quietly refer the matter to the Government. Can we wonder that the Natives are so excited against Europeans? We can hardly form any conception of what a New Zealander would feel when the bodies of his nearest relatives are exhumed, and their cemeteries desecrated.

On my way to the seat of Government, the "Victoria" touched at Nelson. I found very few Natives in the town, and they were only visitors. There is, however, a settlement a few miles from Nelson, and there are several in Coal Bay: in the latter place they were disputing the land with the Company.

From the Report of Mr. Commissioner SPAIN.

"MR. CAMPBELL, our surveyor, informs me, and I fully coincide in his opinion, that, with few exceptions, the native reserves have been selected in spots so distant from the paha, and where the ground is so hilly as to render them almost useless to the Natives for the purpose of cultivation; and that little regard has been paid to the interest of the Natives in these choices"

Respecting this official Report we have a remark in the evidence before the Committee of the House of Commons; viz. that of *F. A. Molesworth*, a personally interested settler:—"It is totally untrue. The Natives, in fact, always take the hilly land for their potatoe grounds: they hardly cultivate at all upon the flat ground, so that it would have been more suitable for them even if he (the person selecting for the Natives) had chosen the hills for them on that account."

In opposition to this may be cited the testimony of a very old resident, *Walter Brodie*.

Question put by Mr. Clive.—"You would infer that the valleys and the neighbourhood of the hills alone are cultivated, and that the hilly parts are uncultivated?" "Generally speaking, the valleys and the banks of the rivers have a great deal of cultivation. There is one place on the west coast where there are perhaps three or four hundred acres of maize grown by the Natives: that was a thing not generally to be met with in the country: it was on account of the great price maize brought in the New South Wales market three or four years ago. Parties went down from Sydney and offered the Natives five or six times the price of corn which they had been accustomed to give the year before, which made the Natives turn to cultivate it."

The importance of water frontage and provision grounds for the Natives is strongly attested by the words and practice of one gentleman who was able and ready to judge for them. Edmund Halswell, who was sent by the Directors in London to watch the interests of the Natives, writes:—

"In making these selections for the Natives, I have carefully attended, whenever possible, to their own wishes, such as I have been able to collect, either from themselves on the spot in the different districts, or from others who have visited me in this place. My attention has been particularly drawn to their own clearings and paha, and I have secured for them as much water frontage as possible.

On this point the evidence of other witnesses may be quoted.

J. W. Child.—"Do you concur in the opinion that the statement of Mr. Spain is totally untrue?" "No."

"The Natives had early choices from the lottery; and many, both of the paha and cultivated grounds, in consequence of those early choices, might have been selected for them."

"I do not find fault with the choices of the Natives being on hilly ground, but that their cultivated ground should be passed over, and waste land chosen instead, in several cases."

"Is there any reserve for the Natives, giving them a power to come upon the beach, and to draw up their canoes, and other advantages of that kind?" "Yes, but not at Te-Aro."

"Is that one reason why they will not leave the paha of Te-Aro, because they will not be cut off from the beach?" "That is one reason, and also the general sacred character of the paha."

F. A. Carrington, Employed Surveyor.—"On the 20th, agreeable to the notice, the selection of the rural land took place, and there were no reserves selected for the Natives."

"What became of the reserves you wished to have selected?" "One

was selected by a Mr. Cooke, a magistrate, and the other, I think, by a Mr. Evans, a surgeon;" (the Natives were living upon them).

"At the river Waitera there is not a reserve, and there is not a place for a canoe to be hauled up."

The great comparative value of water frontage, and the opposite character of back and elevated land, is confirmed by another passage in the evidence of

Walter Brodie.—"If I were awarded 600 acres out of 10,000 by the present Survey Bill, I am obliged to take two miles back, and half a mile frontage upon the river: the chances are, that half a quarter of a mile back would be the only good land, the rest would be wholly hilly; therefore I should pay at the rate of 1*l.* 9*s.* an acre for the whole of my land, because all the back land could be of no service to me at all."

The following passage in the evidence of F. A. Molesworth also deserves attention:—

"With regard to the native reserves, it has been represented, that, in the Port Nicholson district, 'the boasted tenths, the reserves for the Natives, are far away in the distance, and in the most ineligible and worthless spots; and that they, the original lords of the soil, are to be marched off and doomed to perpetual banishment and misery there, while the strangers are enjoying the fat of the land.' Do you believe that that representation is totally incorrect?" "I believe it is."

"Who is the Rev. John Whiteley, the writer of that communication?" "A Missionary."

Commissioner Spain states in his Report:—

"In fact, the whole conduct of the parties engaged in the Company's cases towards the proceedings of the Court went to shew their utter disregard of all forms observed in Courts of Inquiry, and they evidently wanted to make it appear that the executive of the Commissioner was a mere useless form."

"Colonel Wakefield once told me that I ought to have called all the Natives of the district together, had a korero with them, and then made my report, without resorting to the tedious mode I was pursuing of examining native witnesses."

"After I had examined all the Natives I could find, who had been parties to the conveyance of the Company, and having given it my best consideration, I came to the conclusion, that, if I proceeded to make my final report, it must have been unfavourable generally to the Company's title."

"I could not agree to their (the Natives) paha, cultivations, and burying grounds, being taken from them without their own free consent, because it appeared clear, from the evidence, that they had never alienated them."

On this subject we have also the evidence of

Walter Brodia.—"I think that there is a great deal of land in that country; indeed I know that there has been land sold in this country which was in fact never purchased from the Natives."

The following authentic anecdote shews the Native, although of the rank of a Chief, submitting to the European, even when the right is on his side.

A highly respectable Settler at Wellington, enjoying the esteem of his countrymen and of the Natives, happened to lose a pig. Suspecting it to have been stolen, he sought it in a neighbouring pah. He there saw a pig belonging to the Chief, whom he upbraided with having stolen it. The Chief protested his innocence, but submitted to have his own pig taken away. Subsequently, with the assistance of his tribe, he sought and found the Colonist's pig, which he restored to its owner, refusing any return beyond the restitution of his injured character, which of course was readily granted, and the Chief reinstated in favour.

A Correspondent, of undoubted veracity, gives the following statement, which exemplifies the mode in which British law may be brought into disrepute with the Natives.

Two valuable tame pigs belonging to a young and intelligent Native who worked on the survey, near Nelson, for full wages, were killed by an emigrant. The thief was arrested: the evidence was clear against him: the young man was persuaded to appeal to our law for redress. He lost his time, and had to get the assistance of his friends to bring him over in a canoe. The case was heard; the man committed; and the Native, instead of obtaining compensation according to the usage of his countrymen, by a form incomprehensible to him was bound over to prosecute; and had actually to deposit with the Magistrate the few sovereigns which he had saved from his wages. The prisoner was bailed by his friends. No Court for the trial of such cases then existing, about six months elapsed, and when tried, the thief escaped all punishment owing to some legal informality. Was such an event likely to recommend the merit of civilized institutions? On the subsequent occurrence of a similar theft, the Natives became excited, and, binding the culprit hand and foot, threatened to take his life, unless compensation were made.

Another instance of injustice towards the Natives deserves to be mentioned. A party of Colonists proceeded to load a vessel with coal, which was very accessible at a particular part of the coast. The Natives interrupted the work, and began to throw the coal overboard, claiming it as their property, and expressing their readiness to load the vessel themselves if payment were made. The Colonists were about to fire on the Natives, and, by force, accomplish their object. They were, however,

happily restrained by one of their party ; but it does not appear that the Natives' right to the coal was eventually respected, or that any compensation was given to them for it.

NOTICES OF THE NEW-ZEALAND CHIEF JOHN HEKE.

From J. BUSBY's Letter to G. W. HOPE, Esq. M.P., Jan. 17, 1845.

I was a witness to the baptism of John Heke and his children about six or seven years ago, and his fast-flowing tears on that occasion shewed how keenly he felt the solemnity of that sacrament, and the obligations it imposed.

It is impossible for me to believe that he was at that time otherwise than a sincere and intelligent convert ; and though I have since heard actions imputed to him inconsistent with his Christian profession, I have no difficulty in believing that he considers he was only doing the duty of a patriot to his country in the late disturbance.

Heke is married to the daughter of the late Hongi, who visited England, and was introduced to King George the Fourth, and who was the greatest warrior New Zealand has produced.

There is much reason to apprehend that his influence would be very great throughout the northern part of the island, should matters be pushed to extremities between him and the Government.

Bay of Islands, Saturday, Jan. 25, 1845.

WE understand that Heke gives out that he has no quarrel with the White Men ; but he will never allow the English flag to fly unless a New-Zealand colour is hoisted along with it : in fact, he is determined to purchase a name among his countrymen, whether for good or evil, which will ultimately cost him his life ; but of this he is quite indifferent : he will be a great man (in their estimation), and there is an end of it.

We formerly deprecated the policy adopted by Government in offering large rewards for the apprehension of the disaffected Chiefs ; and we learn it is having any thing but a good effect generally among them. They ask if a Native Chief is like a pig, to be bought and sold ; and instead of being the means of bringing the present offenders to justice, it is only making the Natives more united among themselves.

From the Southern Cross.

JOHN HEKE is a remarkably intelligent and comparatively well-educated Native, a warrior by birth and profession among his own people, and, moreover, a professed Christian, who, like the Puritans of old, appeals

to the God of battles for the justice of his cause, and sanctifies his warfare with the services of religion. Heke, who has evidently all the qualities of a patriot and a hero, has no dislike to Europeans; on the contrary, he professes great regard for them, which there is no reason to question; but he has a determined antipathy to British Sovereignty in New Zealand. With this feeling he announced to the European inhabitants of the town of Russell, or Kororarika, in the Bay of Islands, that on a certain day he would come with an armed force, and cut down the flag-staff with the British ensign, which he did accordingly, a few months ago, without in any way injuring the inhabitants. The character of Heke, as a brave man, will appear in a still more favourable light, when it is added, that he has entered on his present hopeless career with no indistinct conception of the power and resources of Britain. He was some time in this Colony, about the year 1832, and was engaged by the local Government of the day to proceed to Norfolk Island, with two of his followers, to teach the convicts the mode of preparing the *phormium tenax*, or New-Zealand flax. He went accordingly thither, and remained about twelve months on the island, receiving, when he left it, his stipulated hire—three muskets, three barrels of gunpowder, three blankets, and a number of hoes. During his stay, however, he never associated familiarly even with his own followers, who always treated him with great respect; and he uniformly refused to perform any manual labour, saying, he was a *Rangatira*, or gentleman, and not accustomed to any thing of the kind.—*From the Sydney Atlas, June 21, 1845.*

Is it ^{not} wonderful that he should have resisted the pollution of a penal settlement?

NEW-ZEALAND COMPANY.

THE following extract exhibits the good feeling and just views entertained towards the Natives on the part of the Directors.

Instructions from the New-Zealand Land Company to Colonel Wakefield, Principal Agent of the Company.

AND you will abstain from completing any negociation for a purchase of land, until this, its probable result, shall be thoroughly understood by the native proprietors, and by the tribes at large. Above all, you will be especially careful that all the owners of any tract of land which you may purchase shall be approving parties to the bargain, and that each of them receives his due share of the purchase-money.

The land is really of no value, and can become valuable only by

means of a great outlay of capital on emigration and settlement. But at the same time it may be doubtful whether the native owners have ever been entirely aware of the consequences that would result from such cessions, as have already been made to a great extent, of the whole of the lands of a tribe. Justice demands, not merely that these consequences should be as far as possible explained to them, but that the superior intelligence of the buyers should also be exerted to guard them against the evils which, after all, they may not be capable of anticipating. The danger to which they are exposed, and which they cannot well foresee, is that of finding themselves entirely without landed property, and therefore without consideration, in the midst of a society where, through immigration and settlement, land has become a valuable property. Absolutely they would suffer little or nothing from having parted with land which they do not use and cannot exchange; but relatively they would suffer a great deal, inasmuch as their social position would be very inferior to that of the race who had settled amongst them, and given value to their now worthless territory.

CHANGE IN THE POSITION OF THE COMPANY ON THE ASSUMPTION
OF THE SOVEREIGNTY OF THE ISLANDS BY THE BRITISH
GOVERNMENT.

Mr. SOMES to LORD STANLEY.

N. Z. House, London, Nov. 24th, 1841.

THE Company's Agents complain that, though they, in obedience to our instructions, assisted to weaken their own influence over the native mind, by describing themselves as mere subjects of the Queen in New Zealand, no representative of Her Majesty has, since the passing visit of Mr. Shortland, been really present to exert authority, or even acquire influence. The Natives have come to regard the Settlers as their equals, while no European has appeared to occupy the position of a superior.

INDISCREET PROCEEDINGS ON THE PART OF SOME OF THE
COMPANY'S AGENTS IN THE COLONY.

MR. SHORTLAND to LORD STANLEY.

Torquay, Jan. 18, 1845.

HAVING offered these observations on the Report of the Select Committee, it may not be irrelevant for me to express to your Lordship my opinion as to the causes to which are to be attributed the difficulties experienced by the New-Zealand Company in its attempt at colonizing New Zealand.

The first, indeed I may say the principal, of these causes, was the imperfect manner in which the purchases of land, by the Company's Agent, were conducted.

It was on the system of acting "without the sanction, and in direct defiance of the Crown," that the Company's Agent opened the districts of Wanganui and Taranaki for selection by Settlers, in defiance of a notice of the Local Government to the Settlers, that those lands had never been conveyed to the Company; and that unauthorized intrusions have been continually made into paha and cultivations in the actual occupation and enjoyment of the Natives. I have, &c.

From A. F. Carrington's examination, pp. 79 and 80 of Minutes of Evidence, it appears that an armed force was sent to settle a dispute about land; and that without investigation it awed the Natives into submission; that this submission was attended with much excitement; notwithstanding which, the step having succeeded, was applauded in the Settlement as an example; and that the attempt at Wairau was in fact made at this suggestion.

EXTRACTS EXHIBITING THE SENTIMENTS OF THREE
SUCCESSIVE SECRETARIES OF STATE FOR THE COLONIES.

From the MARQUIS OF NORMANBY to CAPT. HOBSON.

Downing Street, Aug. 14, 1839.

THE Queen, in common with Her Majesty's immediate predecessor, disclaims, for herself and for her subjects, every pretension to seize on the Islands of New Zealand, or to govern them as a part of the dominion of Great Britain, unless the free and intelligent consent of the Natives, expressed according to their established usages, shall be first obtained. Believing, however, that their own welfare would, under the circumstances I have mentioned, be best promoted by a surrender to Her Majesty of a right now so precarious, and little more than nominal; and persuaded that the benefits of British protection, and of laws administered by British judges, would far more than compensate for the sacrifice, by the Natives, of a national independence, which they are no longer able to maintain; Her Majesty's Government have resolved to authorize you to treat with the Aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any parts of those Islands which they may be willing to place under Her Majesty's dominion. I am not unaware of the difficulty by which such a treaty may be encountered. The motives by which it is recommended are, of course, open to suspicion. The Natives may probably regard with distrust a proposal which may carry on the face of it the appearance of humiliation on their side, and of a formidable encroachment on ours; and their ignorance even of the technical terms in which that proposal must be conveyed, may enhance their aversion to an arrangement of which they may be unable to comprehend the exact meaning, or the probable results. These, however, are impediments to be gradually overcome by the exercise, on your part, of mildness, justice, and perfect sincerity in your intercourse with them. You will, I trust, find powerful auxiliaries amongst the Missionaries, who have won and deserved their confidence; and amongst the older British residents who have studied their character and acquired their language.

It is almost superfluous to say, that, in selecting you for the discharge of this duty, I have been guided by a firm reliance on your uprightness and plain dealing. You will therefore frankly and unreservedly explain to the Natives, or their Chiefs, the reasons which should urge them to acquiesce in the proposals you will make to them.

Having, by these methods, obviated the dangers of the acquisition of

large tracts of country by mere land-jobbers, it will be your duty to obtain, by fair and equal contracts with the Natives, the cession to the Crown of such waste lands as may be progressively required for the occupation of Settlers resorting to New Zealand.

All dealings with the Aborigines for their lands must be conducted on the same principles of sincerity, justice, and good faith, as must govern your transactions with them for the recognition of Her Majesty's sovereignty in the Islands. Nor is this all: they must not be permitted to enter into any contracts in which they might be the ignorant and unintentional authors of injuries to themselves. You will not, for example, purchase from them any territory, the retention of which by them would be essential, or highly conducive, to their own comfort, safety, or subsistence. The acquisition of land by the Crown, for the future settlement of British subjects, must be confined to such districts as the Natives can alienate without distress or serious inconvenience to themselves. To secure the observance of this will be one of the first duties of their official Protector.

There are yet other duties owing to the Aborigines of New Zealand, which may be all comprised in the comprehensive expression of promoting their civilization; understanding by that term whatever relates to the religious, intellectual, and social advancement of mankind. For their religious instruction, liberal provision has already been made by the zeal of the Missionaries, and of the Missionary Societies in this kingdom; and it will be at once the most important and the most grateful of your duties to this ignorant race of men, to afford the utmost encouragement, protection, and support, to their Christian Teachers. I acknowledge, also, the obligation of rendering to the Missions such pecuniary aid as the Local Government may be able to afford, and as their increased labours may reasonably entitle them to expect. The establishment of Schools, for the education of the Aborigines in the elements of literature, will be another object of your solicitude; and until they can be brought within the pale of civilized life, and trained to the adoption of its habits, they must be carefully defended in the observance of their own customs, so far as these are compatible with the universal maxims of humanity and morals. But the savage practices of human sacrifice, and of cannibalism, must be promptly and decisively interdicted. Such atrocities, under whatever plea of religion they may take place, are not to be tolerated within any part of the dominions of the British Crown.

It will be remembered that Lord John Russell's feelings in favour of the Natives of New Zealand were very strongly and publicly expressed

on the occasion of his dining with the Company in the City. . The following short quotations, from documents issued from the Colonial Office, will shew what were his views with respect to the land.

LORD J. RUSSELL to Governor Sir G. GIPPS.

Downing Street, November 21, 1840.

You will understand, however, that it is not my intention to abandon the plan of instituting a Commission to inquire into the titles or claims to land in New Zealand; but that, on the contrary, I fully intend to carry it into execution; and that I write the present instructions in order that means may be taken for executing it with the greatest accuracy, as well as acknowledged impartiality. For this purpose I shall probably find it necessary to send out a Commissioner from this country.

Mr. VERNON SMITH to Mr. SOMES.

Downing Street, December 2, 1840.

WITH regard to all lands in the colony acquired under any other title than that of grants made in the name, and on behalf of Her Majesty, it is proposed that the titles of the claimants should be subjected to the investigation of a Commission to be constituted for that purpose. The basis of that inquiry will be the assertion, on behalf of the Crown, of a title to all lands situate in New Zealand, which have, heretofore, been granted by the Chiefs of those Islands, according to the customs of the country, and in return for some adequate consideration. Lord J. Russell is not aware that any exception can arise to this general principle; but if so, every such exception will be considered on its own merits, and dealt with accordingly.

Lord Stanley's sentiments, as expressed in the following passage of a letter written by his under Secretary, are quite in unison with those of Lord J. Russell, as respects the native rights.

Extract of a Letter from G. W. HOPE, Esq., to J. SOMES, Esq.

1st February 1843.

IN answer to these claims, Lord Stanley desires me to remind you, that he has offered, on the part of the Crown, as matter, not of right, but of grace and favour, to "*instruct the Governor to make them a conditional grant, subject to prior titles to be established as by law provided, not only of such portion of the Wellington Settlement as is in the actual occupation of Settlers under them, but also of all parts not in the occupation or possession of others; the extent of such grant, of course, not to exceed that to which they are entitled under Mr. Pennington's award.*"

Further than this, Lord Stanley cannot consent to go, consistently with the obligations by which the Crown, as he conceives, is bound. Lord Stanley is not prepared, as Her Majesty's Secretary of State, to join with the Company in setting aside the Treaty of *Waitanga*, after obtaining the advantages guaranteed by it, even though it might be made with "*naked savages*," or though it might "*be treated by lawyers as a praiseworthy device for amusing and pacifying savages for the moment*." Lord Stanley entertains a different view of the respect due to obligations contracted by the Crown of England; and his final answer to the demands of the Company must be, that, as long as he has the honour of serving the Crown, he will not admit that any person, or any Government acting in the name of Her Majesty, can contract a legal, moral, or honorary obligation to despoil others of their lawful and equitable rights.

FROM GOVERNOR FITZROY'S ADDRESS.

Auckland, Saturday, March 8th, 1845.

[LEGISLATIVE COUNCIL.]

Tuesday, March 4th, 1845.

THE Governor opened the Session with the following address:—
Gentlemen,

In addressing you at the opening of this the fifth Session of the Legislative Council of New Zealand, &c. &c.

Were it not for the machinations of a few persons, some of whose wicked attempts have been discovered, and may yet bring punishment upon their authors; were it not for such evil agency, and the pernicious effects of slanderous publications, attacking Natives as well as others, the worst parts of which are speedily made known to the more intelligent Chiefs; were it not for such mischievous efforts as these, aided by bad example, this country would be undisturbed, tranquil, and prosperous.

But even under all the excitement of the last year and a half, our criminal calendar has been remarkably light, as the Returns, which shall be laid before you, will prove. Only two cases of homicide have occurred among the whole White population of New Zealand, in neither of which was the accused pronounced guilty; and no case of murder has been brought before our Courts.

Among the aboriginal population crime is wonderfully rare, considering that they are usually armed, are unaccustomed to restraint, and, but a few years ago, were among the wildest of barbarians.

Under such circumstances, their forbearance, self-restraint, and general tranquillity, are quite wonderful: and I cannot but feel frequently vexed and disappointed by some of my own countrymen, who, heedless of such considerations, expect the New Zealanders to be, even now, without faults—without those failings which are inseparable from our common nature.

While the Natives, with the minds of children, but the passions of men, are acting according to their own usages, and perhaps unintentionally offend, they are too often insulted and irritated by words, which, to us, may seem trifling, but to them are gall. Sometimes mutual ignorance of each other's language causes serious misunderstandings. Occasionally some of the ruder Natives act in a manner which their warmest partisan could not justify. Yet, notwithstanding all this, I think we might challenge the world to shew a population of one hundred and twenty thousand souls, taken promiscuously in any country, among whom there has been a less amount of known crime than has occurred in New Zealand during the last year and a half.

May God grant that such a report may be made in future years ! Much will depend on our conduct, on our justice and forbearance, and on our mutual charity of disposition towards one another.

[*From the Southern Cross.*]

That the consequences of Governor Fitzroy's interview with Rauparaha was, to say the least, not injurious, may be inferred from the course which that Chief has since taken.

Wellington, Jan. 18, 1845.

WE are informed that his Honour the Superintendant of the Southern District, in his late interview with Rauparaha, has made an arrangement by which that Chief undertakes to withdraw from the Hutt, by the end of March following, all the Natives who, by his direction, and that of Rangiaiaata, have settled in that district. It is understood that the reason assigned by Rauparaha for this delay is, the necessity for some compensation, or its equivalent in time, to allow these Natives to procure food sufficient for their subsistence; as, if their immediate removal were insisted on, the tribes to which they belong must provide them with food and seed-potatoes for their next crop. Rauparaha has also agreed that no fresh crops shall be planted by these Natives in this district; and that the Settlers shall not be disturbed or interfered with by them in the land which they (the Settlers) have obtained possession of, or in clearing land on their sections; and that Thompson, the son of Rauparaha, and Martin, the nephew of Rangiaiaata, should visit the Hutt this week, for the purpose of explaining to the Natives this agreement, and enforcing its fulfilment by them.—*From the Southern Cross.*

FUNDS DESTINED FOR THE BENEFIT OF THE NATIVES, THE PROTECTORS, &c.

Copy of a Despatch from Governor HOBSON, to Lord STANLEY.

Auckland, 4th August, 1841.

To make provision for the superintendence and protection of the Aborigines, a sum of two thousand three hundred and thirty-five pounds, twelve shillings, and sixpence has been estimated; but I am fearful this sum will be barely adequate to meet the expenses of this department, as it is with great difficulty I can procure gentlemen, who are sufficiently acquainted with the native habits, customs, and language, to perform the required services effectually.

Inadequate as the amount is stated to be, it appears that a large proportion was diverted from its ostensible objects, as shewn by the following extract from the accounts:—

* Borrowed from the emigration fund, and from the fund established for promoting the civilization of the Aborigines, £16,487. 19. 2½.

* *Note explanatory.*

	£.	s.	d.
Total land sales	34,112	7	0
15 per Cent. for Aborigines	5,116	17	0½
	<u>£28,995</u>	<u>9</u>	<u>11½</u>

	£.	s.	d.
Amount actually expended for Aborigines	1,120	16	11
Total to credit of Aborigines	3,996	0	1½
	<u>£5116</u>	<u>17</u>	<u>0½</u>

Auckland, Saturday, March 15, 1843.

[LEGISLATIVE COUNCIL.]

Thursday, March 13.

Present, all the Members.

MR. HEALE expressed his great surprise at a proposition to raise the salary of the chief Protector. The office was intended for great and noble objects; but it had dwindled into mere interpreter. It never was contemplated that this officer should confine himself to adjust the paltry squabbles continually arising. In any serious outbreak among the Natives, the Bishop was always on the spot; but not so the chief Protector. Another branch of duty, either neglected or indifferently performed, was that of sending half-yearly Reports to the Home Government of the condition of the Natives. When he was in England, eight of such Reports were due; and when the Committee of the House of Commons had waded through those before them, they were obliged to discard them, and to base their Resolutions, as regards the Natives, on the Report of management of Natives in another colony.

The Governor said he could bear witness to the merits of the chief Protector. He had sought advice from those who had been long resident in the colony, and well acquainted with the Natives; he had sought advice from that most neglected individual the Bishop; from Archdeacon Williams at the Bay; from Archdeacon Williams at Tauranga; in fine, from all those who could form an opinion of the Natives; and all have recommended him to take the opinion and counsel, on such subjects, of the chief Protector. If he were to select whether he would lose the services of five of the most efficient officers under the Government, or

dispense with the advice and assistance of the chief Protector, he would prefer losing the former.

Mr. Donnelly remarked, that the Natives of New Zealand had been very inefficiently protected altogether. When the colony was first established, the whole European population were dependent on the Natives for food and assistance of various kinds, and then the Natives were fostered. Now that the former were becoming less dependent in these respects, the poor Natives were reviled and abused. He thought much reproach was to be attributed to the Home and Local Governments for their neglect of the Natives. Neither to their health, nor to their education, had any assistance been rendered. Lord John Russell's instructions were explicit as to medical assistance and as to other points; but when and where had these instructions been fulfilled? He greatly deplored these facts, and feared that it would be proved in this colony, as Lord John Russell had so emphatically declared had arisen in all others—that where civilized man placed his steps, there the extinction of the whole native race inevitably ensued.

The Governor considered that recently the whole European population had been placed, as it were, on a powder magazine, or on a volcano. Had not the Natives had implicit confidence in the Government, the whole Southern District would have been in a fearful state. The safety with which the population have pursued their avocations arises from the confidence of the surrounding Natives. The disturbances at the Bay of Islands had their origin in the insidious remarks of ill-disposed persons among the Natives, who endeavoured to impress the latter with the belief that Government would take possession of their surplus land, and eventually the Europeans would treat them as they had done the Natives in the neighbouring colonies.

[From the Southern Cross.

From a Letter of G. CLARK, Chief Protector of Aborigines.

Auckland, June 30, 1843.

"I WOULD also urge upon His Excellency the necessity of my being furnished with definite instructions as to the duty of a Protector of Aborigines; in short, the apparent contrarieties may be avoided, and I be placed in a position to support the interests, liberties, and properties of Her Majesty's Aborigines' subjects to the fullest extent."

